

THE
T R Y A L L
O F
Richard Langhorn Esq;
COUNSELLOR at LAW:
F O R
Conspiring the Death
O F T H E
K I N G,

Subversion of the Government,
A N D

Protestant Religion

Who upon Full Evidence was found Guilty of

H I G H T R E A S O N,

And received Sentence accordingly, at the Sessions in the *Old-Bayley*, holden for *London* and *Middlesex*, on *Saturday*, being the *14th. of June* 1679.

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

THE

TRIAL

Richard Longhorn

CONSPIRACY

Conspiracy to Murder

KING

Witness of the Government
AND

Protestant Religion

His Majesty's Attorney General

HIGH TREASON

And received sentence of death by hanging
by the gallows at the Old Bailey
on the 11th of June 1841

Printed by J. G. Smith

1841

Printed for H. Smith, 11, Pall Mall
London, and J. G. Smith, 11, Pall Mall

T H E
T R Y A L
O F
R I C H A R D L A N G H O R N , E s q ;

Upon Saturday the 14th. of June, 1679. at the Sessions in the Old-Bayley, London, the Court (according to their adjournment the preceeding day) met and proceeded to the Trial of Richard Langhorn, Esq; in this manner.

cl. of Cr. **S**^{Et Richard Langhorn to the Bar.}
Richard Langhorn, hold up thy hand, which he did.

Thou standest Indicted in London, by the name of Richard Langhorn late of London, Esq;

For that you Rich. Langhorn the elder, as a false Traitor of the most Illustrious Serene and Excellent Prince Charles the Second, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, your Supream and Natural Lord, not having the fear of God in your heart, nor weighing the duty of your Allegiance, but being moved and seduced by the instigation of the Devil, the Cordial love and true due and natural obedience, which true and faithful Subjects of our said Sovereign Lord the King, towards him do and ought to bear, altogether withdrawing, and devising, and with all your strength, intending the Peace and common Tranquility of this Kingdom to disturb, and the true Worship of God within this Kingdom used, and by Law Established, to overthrow, and Sedition and Rebellion within this Kingdom to stir up and procure, and the true love duty and obedience, which true and faithful Subjects of our said Lord the King, towards him do and of right ought to bear, to withdraw, relinquish and extinguish, on the 30th. day of September, in the 30th. year of his Majesties Reign at London, in the Parish of St. Dunstons in the West, in the Ward of Faringdon without London aforesaid, Falsly, Maliciously, Subtilly, and Traiterously, with many other false Traitors of our Sovereign Lord the King unknown, did Purpose, Compass, Imagine, Intend, Consult, and Agree, to stir up Sedition, and Rebellion within this Kingdom of England, against our said Sovereign Lord the King, and a miserable slaughter amongst the Subjects of our said Lord the King, of his Kingdom of England, to procure and cause, and our said Sovereign Lord
B the

the King from his Kingly State, Title, Power, and Government of his Kingdom of England, totally to deprive, depose, and disinherit, and our said Sovereign Lord the King to death and final destruction to bring and put, and the Government of this Kingdom to subvert and change, and the true Worship of God in this Kingdom by Law Established and used, to alter, and the State of this Kingdom in all the parts thereof well instituted, totally to subvert and destroy, and War within this Kingdom of England to procure and levy, and the same most wicked Treasons, Traiterous imaginations, purposes, compassings, and agreements aforesaid, and to perfect and fulfil: You the said Richard Langhorn afterwards, to wit, the 30th. day of September, in the 30th. year aforesaid, and diverse other times before at London, &c. Fally, Advisedly, Maliciously, Subtly, and Traiterously, did Compass, Contrive, and Write two Letters, to be sent to certain Persons unknown at Rome, and at St. Omers, in parts beyond the Seas, to procure the adherance, aid, and assistance of the Pope, and of the French King, and others, to you the said Richard Langhorn, and other false Traitors unknown, the true Worship of God within this Kingdom of England, by Law established and used, to the Superstition of the Church of Rome to alter, and the Government of this Kingdom of England to subvert, and our said Sovereign Lord the King to death and final destruction to bring and put, and that you the said Richard Langhorn, in further prosecution of the said Treason, Traiterous imaginations, intentions, and agreements aforesaid, on the day and year aforesaid, and the said other days and times before at London, &c. did Compass, Contrive, and Write 2 other Letters to be sent to Rome, in parts beyond the Seas, to one Christopher Anderton, then Rector of the English Colledge at Rome aforesaid, and two other Letters to be sent to St. Omers, in parts beyond the Seas, to diverse Persons unknown there residing, and by the said respective Letters Traiterously you did advise the said Pope, and Christopher Anderton, and other Persons unknown residing beyond the Seas, of the ways and manner to be taken for accomplishing the said most wicked Treasons, for altering the true Worship of God in this Kingdom Established and used, to the Superstition of the Church of Rome, and for subverting the Government of this Kingdom, and for the death and destruction of our said Lord the King, and to the intent that the said Christopher Anderton, and others unknown, should give their aid, assistance, and adherance, and should procure other aid, assistance, and adherance, to you the said Richard Langhorn, and other false Traitors unknown, to alter the true Worship of God aforesaid, to the Superstition of the Church of Rome, and to subvert the Government of this Kingdom of England, and to put our said Sovereign Lord the King to death, and that you the said Richard Langhorn afterwards, to wit the day and year aforesaid at London, &c. Traiterously did deliver the Letters aforesaid, to be sent to the said Christopher Anderton, and others, Persons beyond the Seas, to perfect the traiterous purposes aforesaid, and that you the said Richard Langhorn, further to fulfil and accomplish the same most wicked Treasons, traiterous imaginations, purposes, and compassings aforesaid, afterwards the said 30th. day of September, in the 30th. year aforesaid at London, &c. five Commissions in Writing, made by Authority derived from the See of Rome, for constituting Military Officers, for leading the Forces to be levied in this Kingdom against our said Sovereign Lord the King, for the altering the Protestant reformed Religion, to the use and Superstition of the Church of Rome, and for Subverting the Government of
 this

this Kingdom of England; Traiterously you did receive, and Five other Commissions in writing made by Authority derived from the See of Rome, for constituting Civil Officers for Governing this Kingdom after the most wicked Treasons and Traiterous imaginations, purposes and compassings aforesaid were fulfilled and accomplished, then and there Traiterously you did receive. And that you the said Richard Langhorn, afterwards, to wit, the day and year aforesaid at London, &c. The said several Commissions so received, to divers false Traitors of our Sovereign Lord the King, unknown, falsely, knowingly, and Traiterously, did distribute, give and dispose for Constituting Officers, as well Military as Civil, to the Traiterous purposes aforesaid. And that you the said Richard Langhorn, afterwards on the day and year aforesaid, at London, &c. a Commission to Constitute and Authorise you to be Advocate General of the Army, to be Levied in this Kingdom, to war against our said Sovereign Lord the King, Falsly, Traiterously, and against the duty of your Allegiance, from a certain Person unknown, did receive and had; and the same Commission then and there falsly, advisedly, and Traiterously, did inspect and read, and in your custody keep; and to the same Commission Traiterously did give your consent, to the intent that you the said Rich. Langhorn, should have and Execute the Place and Office of Advocate General of the Army aforesaid, after the Army aforesaid should be rais'd against our said Sovereign Lord the King, by you the said Richard Langhorn, and other false Traitors unknown, in Execution of the said Traiterous Compassings, Imaginations, and Agreements aforesaid. And that whereas William Ireland, John Grove, and Thomas Pickering, and other false Traitors of our Sovereign Lord the King, unknown, on the 24th day of April, in the 30th Year aforesaid, in the County of Middlesex, did Consult to bring and put our said Sovereign Lord the King to Death, and final Destruction, and to change and alter Religion in this Kingdom of England, Rightly and by Law Established, to the Superstition of the Church of Rome, at London, &c. had Notice of that Consultation; and the same Consultation for the Destruction of the King, and for the alteration of Religion in this Kingdom rightly Established, to the Superstition of the Church of Rome, and the Treasonable Agreements had in that Consultation, on the said 30th day of September, in the 30th Year aforesaid, from our said Sovereign Lord the King, Advisedly, and Traiterously did conceal, and to that Consultation Traiterously you did consent. And the said William Ireland, John Grove, and Thomas Pickering, on the day and Year last aforesaid, at London, the Treasons aforesaid to perpetrate and perfect, Maliciously, Subtilly, and Traiterously, you did Abet, Counsel, maintain and comfort; and that you the said Richard Langhorn, afterwards (to wit) the said 30th day of September, in the 30th Year aforesaid, at London, &c. falsly, subtilly, and Traiterously, you did move and solicit the Benedictine Monks, (unknown) to expend and pay the Sum of Six Thousand Pounds, to procure a Person Traiterously to Kill and Murder our said Sovereign Lord the King. And whereas Edward Coleman, and other false Traitors of our said Sovereign Lord the King, unknown, on the 29th of September, in the 30th Year aforesaid, in the County of Middlesex, Traiterously had conspired and consulted to procure Rebellion and Sedition, within this Kingdom of England, against our said Sovereign Lord the King, and him from his Kingly State and Government of this his Kingdom of England, to deprive and disinheris, and to bring and put him to final Death and Destruction, and the Government of this Kingdom of England to alter, and the true Religion in this Kingdom of England by Law Established, to alter and change. And whereas he the said

said Edward Coleman had Traiterously written four Letters to Monsieur Le Cheese, then Counsellor of the French Kings, to procure the aid, assistance, and adberance of the French King, to perfect and accomplish the Traiterous imaginations aforesaid, you the said Richard Langhorn afterwards, to wit the said 30th. day of September, in the 30th. year aforesaid at London, &c. well knowing the Treasonable matters in the same Letters contained, to the same Letters did consent, and then and there falsly, subtilly, advisedly, maliciously, and traiterously did abet, counsel, maintain, and comfort the said Edward Coleman, to perpetrate and accomplish the Treason aforesaid, against the duty of your Allegiance, against the Peace of our Sovereign Lord the King, his Crown and Dignity, and against the form of the Statute in this case made and provided.

Cl. of Cr. How say'st thou *Richard Langhorn*, art thou guilty of this High-Treason whereof thou standest Indicted, or not guilty?

Langhorn. Not Guilty.

Cl. of Cr. *Culprit*, how wilt thou be tried?

Langhorn. By God and my Countrey.

Cl. of Cr. God send thee a good deliverance.

Then the Petty Jury impannelled for this Trial, was called, the Prisoner put to his Challenges, but challenging none, the 12 Sworn were these.

JURY.

Arthur Yong
Edward Beeker
Robert Twysford
William Yapp
John Kirkham
Peter Pickering

Thomas Barnes
Francis Neeve
John Hall
George Sitwell
James Wood, and
Richard Cawthorne.

After which, Proclamation for information was made in usual manner.

Cl. of Cr. *Richard Langhorn*, hold up thy hand. (which he did) You of the Jury look upon the Prisoner, and hearken to his Cause: He stands Indicted in *London* by the name of *Richard Langhorn*, late of *London* Esq; for that as a false Traitor, &c. (put in the Indictment *Mutatis Mutandis*) and against the form of the Statute in that case made and provided. Upon this Indictment he hath been Arraigned, and thereunto hath pleaded Not guilty, your Charge is to enquire whether he be guilty of the High-Treason whereof he stands indicted, or not guilty; if you find him guilty, then you are to enquire what Goods, or Chattels, Lands, or Tenements he had at the time of the High-Treason committed, or at any time since; if you find him guilty, you shall enquire whether he fled for it, if you find that he fled for it, you are to enquire of his Goods and Chattels, as if you had found him guilty: If you find him not guilty, nor that he did fly for it, say no more, and hear your Evidence.

Mr. Belwood.

Then Roger Belwood Esq; of Counsel for the King in this Cause, open'd the Indictment thus:

Mr. Belwood. May it please your Lordship, and you Gentlemen of the Jury;

The Prisoner at the Bar, *Mr. Langborn*, stands Indicted of High Treason, and it is for Conspiring the Murder of the King, and endeavouring an alteration in the Government in Church and State. And the Indictment sets forth, that the 30th of *August*, in the 30th Year of the King, he and other false Traitors did agree to stir up Sedition and Rebellion in the Kingdom, and to cause a great slaughter of his Majesties Subjects; To introduce the Superstition of the Church of *Rome*, and Depose and Murder the King, and to alter the Government in Church and State. And 'tis there said, that to accomplish these Evil Designs, he writ Two Letters to be sent to *Rome*, and *St. Omers*, the effect of which Letters was to procure the Assistance of the *Pope*, and the *French King*, to alter the Religion Established by Law in this Kingdom, to *Romish* Superstition, to Subvert the Government, and to put the King to Death; and that in further prosecution of these Traiterous Designs, he writ Two other Letters to be sent to *Rome* to one *Christopher Anderton*, Rector of the *English* Colledg, and a *Jesuit*, and Two others to be sent to *St. Omers*; and in these Letters he took upon him to Advise the way and means by which these Treasons might be effected, and that these several Letters were sent and delivered by him, and received. The Indictment further sets forth that in further prosecution of these Traiterous Imaginations of his, he did receive 5 several Commissions in Writing, by Authority derived from the *See of Rome*; and those were for the making of Military Officers, to Execute these Treasons by force of Arms, and that he did likewise receive 5 other Commissions for constituting Civil Officers in this Realm, after the Treason was committed. And that amongst the rest he did receive for himself one Commission to be Advocate General of the Army that was to be rais'd. And the Indictment further Charges upon the Prisoner, that to accomplish these Treasons, whereas *Ireland*, *Pickering*, and *Grove*, and other false Traitors, had consulted these Treasons, which I before mentioned, *Mr. Langborn* had Notice of the Treasons, and did Consent to them and Abet them, and that he did solicit the *Benedictine* Monks to advance 6000 *l.* for the Murther of the King, for the Alteration of Religion, and for the Subversion of the Government in Church and State. And further, whereas *Mr. Coleman*, (who was Executed for Treason) had (with others) conspired the Death of the King, and the introducing of Popery, and has writ a Letter to the *French* Confessor *Lee Cheese*, for Aid and Assistance, that the Prisoner at the Bar had Notice of this, and that he did consent to it, and did Abet it. This, Gentlemen, is Charged to be Traiterously, and Devilishly done against the Prisoners Allegiance, and the form of the Statute. To this he hath pleaded Not Guilty, but if we prove these Treasons, or any of them, you are to find him Guilty.

Then Sir Creswel Levins, one of his Majesties Learned Council in the Law, opened the Charge thus: prout—

Sir Cr. Levins. May it please your Lordship, and you Gentlemen of the Jury;

Mr. Langborn is Indicted for Treason, for having a part in that general Treason that you have heard several times before of, and some Persons there were Indicted, Tried, and Convicted yesterday, for that Treason that *Mr. Langborn* had an hand in: for the Indictment does set forth, that there were Letters written by him to *Rome* to the same purpose, of which Gentlemen you have heard so often, and will hear again.

This Treason was no less than to murder the King, to alter the Religion, to overturn the Law, to raise an Army, by force to effect all this, and in short to do all the mischief that men (if it be lawful to call such Creatures men) could do. That there was in order to this, Consultations held the 24th. of *April* among the Jesuits; and there it was resolved that the King should be killed, there were Persons appointed to do it, that was *Pickering*, and *Grove*, but they failed therein, and they prosecuted it at *Windfor*, but happening to fail there also, they followed him to *New-Market*, and Ordered that it should be done there: And when all this failed, they took another course, his Majesty was to be Poisoned, and as I said before, to make all this good, an Army was to be raised of 50000 men in *England*, to perfect this Work; but if that would not do, they were to have Forces from beyond Sea to joyn with them: And *Mr. Langborn* he writ Letters to procure these Forces, and he not only did so, but he found the effect of his Letters, and received Commissions from beyond Sea, whereof one was for himself, to be Advocate General of the Army. All these things are laid to *Mr. Langborn's* Charge.

But Ile begin first, and shew you before I come to the particular Evidence against *Mr. Langborn*, some Evidence of the general Design, and therefore we will call some Witnesses to do that in the first place, and then bring it down to *Mr. Langborn* himself.

Call *Mr. Dugdale*, and *Mr. Prance*, (who were both Sworn, and *Mr. Dugdale* first stood up.)

Sir Cr. Levins. Come Sir, what do you know of any Design to murder the King? speak what you know concerning the Plot and Conspiracy.

Mr. Dugdale. I was in several Consultations for alteration of this present Government, and for the introducing of Popery, and for the Murder of the King. I was a Person in most of the Consultations to the same purpose, and heard the very words used, and was hired to be instrumental in it, and was to have a Sum of Money to be one of them that should do it. I was to be an actor in it, and was to have a place appointed to do it.

Mr. Just. Atkins. What were you hired to do?

Mr. Dugdale. I was to kill the King.

Sir Cr. Levins. And who were the Persons that put you upon it?

Mr. Dugdale. There was *Mr. Ewers*, *Mr. Gavan*, *Mr. Luson*, and *Mr. Vavafor*.

Sir Cr. Levins. What were these men?

Mr. Dugdale. They are all Jesuits.

Sir Cr. Levins. Do you know any thing of an Army that was to be raised to effect it.

Mr. Dugdale. They always did speak of an Army that was to be raised, but it was not actually to be done, till the King was killed; that was the last Conclusion: it was indeed at first concluded on to raise an Army, but the last Consultation was, that there should no Arms appear, till the King was killed.

Sir Cr. Levins. You do not know any thing of Mr. Langhorn in particular? do you?

Mr. Dugdale. No, I do not know any thing in particular of him; I have heard of him.

Lord Ch. Just. North. Why, you brought him only to prove the general Design.

Mr. Dugdale. There was a Massacre to be, and then there should be an Army, a pretty good considerable Army, there was no certain number that I could hear of, but those that did escape the Massacre, should be cut-off by the Army.

Lord Ch. Just. North. Where were these Consultations?

Mr. Dugdale. One was at *Tixal*, another was at *Boscobel*, at my Lord *Aston's*, and Mr. *Gerrards*.

Lord Ch. Just. Where were these Places?

Mr. Dugdale. In *Staffordshire*.

Mr. Just. Atkins. Pray who were to be Massacred in the first place?

Mr. Dugdale. All Protestants, and those we could not be sure of to be Papists.

Mr. Belwood. Pray Sir, what do you know of any Letter to be writ to Mr. Ewers, concerning Sir *Edmond-bury Godfreys* death?

Mr. Dugdale. I do remember a Letter that came to Mr. Ewers from Mr. *Harcourt*, which did express, and begin thus, (*This very night, Sir Edmond-bury Godfrey is dispatched*) with some other words of like import; and then I sent to Mr. Ewers about it: And do you think this will carry on the Design? I will be hang'd if it don't spoil it: No said he, he was a Person that used to be very severe against debauch'd lewd Persons, and so it will be laid, as if they had done it out of Revenge.

Lord Ch. Just. North. What day of the week was that Letter dated?

Mr. Dugdale. It was, as I can very well make it out, on *Saturday*.

Lord Ch. Just. North. And when was it received?

Mr. Dugdale. It was received on *Monday* night.

Lord Ch. Just. North. What were the Contents of it, do you say?

Mr. Dugdale. It began thus, (*This very night, Sir Edmond-bury Godfrey is dispatched.*)

Lord Ch. Just. North. Who did it come from?

Mr. Dugdale. It came from Mr. *Harcourt*.

Sir Cr. Levins. They themselves know that he was not found here in *London*, till *Thursday*.

Mr. Dugdale. I could not hold, it run so much in my mind, but the next morning going to an Ale-house hard by, I there spoke of it, and immediately it was carryed to Mr. *Cherwin*, and he was here yesterday to make it out, that I so did.

Lord

Lord Ch. Just. North. But why did they kill him? was it expressed why?

Mr. Dugdale. I had several times heard, he was too much privy to their Consultations.

Lord Ch. Just. North. That is, you mean, he had had too much discovered to him.

Mr. Dugdale. And so they were afraid of Mr. Coleman too; that he carried things too high, and he was out of their favour for 2 years.

Sir Cr. Levins. Then call Mr. Prance. Pray Sir, what can you say?

Mr. Prance. There was one Mr. Messenger, a Gentleman of the Horse to my Lord Arundel of Warder, who was employed by my Lord Arundel of Warder, and my Lord Powis, and he was to kill the King, and to have a very good reward for the doing of it; and I was told so by my Lord Butler: I afterwards met with this Messenger, and asked him what his reason was that he would kill the King. He told me he was off of it now.

Sir Cr. Levins. But what was to be done after they should kill the King?

Mr. Prance. Presently there should be an Army of 50000 men raised, to be governed by my Lord Arundel, and my Lord Powis, and them: I have heard Mr. Fenwick, and Mr. Ireland, and Grove, to speak of this at the same time together.

Sir Cr. Levins. What was that Army to be raised for?

Mr. Prance. To settle the Catholick Religion.

Lord Ch. Just. What was to become of other Persons?

Mr. Prance. They were to be killed and ruined all: So Fenwick told me.

Lord Ch. Just. North. Look you Mr. Langhorn, these Witnesses speak nothing to you in particular, but only that there was a Conspiracy in general, to kill the King, and introduce Popery: If you will ask them any Question you may.

Langhorn. No my Lord, they not accusing me, I have nothing to say to them.

Mr. Prance. I heard one Mr. Harcourt say, that the King was to be killed by several, before one Mr. Thompson, twice in his own Chamber in Duke-street. And I heard Fenwick say, that Mr. Langhorn was to have a great hand in it.

Langhorn. Is that all you have to say, as to me?

Mr. Prance. It is all that I know of.

Then the Lord Chief Justice Scroggs came in.

Sir Cr. Levins. Now my Lord, we will call the Evidence, that shall prove the particular matters of the Indictment, as of writing the Letters beyond Sea, of his receiving Commissions, of his distributing them here to the several persons to whom they were directed; of his Soliciting for the mony, the 6000 £. to be raised by the Benedictine Monks, which was either for a particular purpose to poison the King, or to carry on the Design in general. And first we call Dr. Oates (who was Sworn, and stood up)

Sir Cr. Levins. Sir, you hear what the matter is as to Mr. Langhorn, be pleased to tell the Court whether you knew he writ any Letters, and received any Commissions; speak your whole knowledge.

Dr. Oates.

Dr. Oates. I hope your Lordship will be pleased to give me leave to use my own Method.

Lord Ch. Just. Ay Ay, take your own way Mr. Oates.

Dr. Oates. Then I begin thus. In the month of *April* 1677; I went into the Kingdom of *Spain*: in the month of *September* following, the sons of *Mr. Langhorn* came into the Kingdom of *Spain*; it was *September* or sooner, but I will not be positive as to the time of their coming, the one was a Scholar of the English Colledge at *Madrid*, the other was a Scholar of the English Colledge at *Valledolid*. They came there to study Philosophy in order to their receiving of the Priesthood. my Lord, my occasions called me into *England* in the month of *November* following; and coming into *England*, *Mr. Langhorn's* sons did give me some Letters to *Mr. Langhorn* their Father; and as soon as I had rested my self for a day or two after my Journey, I came to *Mr. Langhorn's* house in *Sheer-Lane*. Now *Mr. Langhorn's* Wife being a Zealous Protestant, I did whisper his Footboy or his servant boy in the Ear, that he should go and whisper his Master, *Mr. Langhorn*, and tell him, there was one would speak with him from his sons. *Mr. Langhorn*, by his son, did desire me to meet him at his Chamber in the *Temple*, (in the *Inner-Temple-Lane* it was I think) I know the Chamber however, and accordingly I did meet *Mr. Langhorn* that night by the means of his half Brother, who is brother I think by the mother and not by the Father, his name is *Smithson*; and when I came into *Mr. Langhorn's* Chamber, their Chambers being directly opposite one to another, I was treated by *Mr. Langhorn* with a great deal of Civility, and I delivered *Mr. Langhorn* the Letters from his sons, and I told him that I thought his Sons would enter into the Society: *Mr. Langhorn* was mightily pleased with the News, being himself a great Votary for the Society, that his sons would enter into it. Now may it please your Lordship, *Mr. Langhorn* did say, he thought if they did continue in the world, that is secular Priests, they would suddenly have very great promotion in *England*, for he said, Things would not last long in this posture, that is at that time he then spoke, I speak the words now that he said then. And now my Lord, I was with *Mr. Langhorn* another time while I was in *England*, but in the latter end of *November* old Stile, in the beginning of *December* new Stile, I went to *St. Omers*, and there were Letters that he delivered me (looking upon the Prisoner) a Pacquet to carry to *St. Omers*. And when the Pacquet was opened, there was a letter Signed *Richard Langhorn*, in which he gave the Fathers at *St. Omers* great thanks for the great care had of, and kindness they shew'd to his sons, and that what they had been out of Pocket for their *Viaticum*, in Order to their journey into *Spain*, which was 20 *l.* he promised them they should be repaid it, and in this Letter he did expressly say, that he had written to Father *Le Cheefe* in order to our concerns, those were his words. Now my Lord the Letter that he writ to Father *Le Cheefe* I saw not, but only this Letter I saw, which gave an account of that Letter he had writ to Father *Le Cheefe* and he said *Mr. Coleman* had been very large with him, and therefore it would not be necessary for him to trouble his Reverence with any large Epistles at that time. My Lord, there was another Letter, and I think that was in the month of *March*, or *April* I cannot be positive as to the particular time, but it was upon this remarkable Circumstance. *Mr. Langhorn* had a son that had been in Rebellion, and had turned

D

Souldier,

Souldier, or some such thing in *France*, and this young Gentleman came to *St. Omers*, being the place where he had been educated; and Mr. *Langhorn* by the intercession of the Fathers there, did order him Five pounds to bring him over into *England*, upon promise of his sons submission, who had been very extravagant in several respects. In this Letter my Lord, Mr. *Langhorn* did express his great care for the carrying on of the Design of the Catholics, and several other expressions there were in it bad enough, which I cannot now call to mind, but they were to this effect; The Parliament began to Flag in promoting the Protestant Religion, and now they had a fair opportunity to begin and give the Blow; what that Blow was, I leave to the Court and to the Jury to expound.

Lord Ch. Just. But was that an expression in the Letter?

Dr. Oates. It was, my Lord: But it was a very large Letter, I can't give a particular account of every thing in it. My Lord, in the month of *April*, or the beginning of *May*, your Lordship remembers there was a Consult that hath been sworn here in this Court, to which Consult —

Lord Ch. Just. Pray speak it out.

Dr. Oates. There were several of us came over from *St. Omers*, and from other parts beyond the Seas to this Consult, at which Consult Mr. *Langhorn* was not present; but I had orders from the Provincial to give Mr. *Langhorn* an account of what Resolutions and passages and minutes pass'd at this Consult; and this I did as well as I could, and when I did so, Mr. *Langhorn* lift up his hands and his eyes, and pray'd to God to give it good success. My Lord, while I was at Mr. *Langhorns* Chamber giving this account, I saw several Parchments lying upon the Table in his Study.

Lord Ch. Just. You had best tell the effect of the account you gave Mr. *Langhorn* in his Chamber, that you speak of.

Dr. Oates. My Lord, I told him who went Procurator to *Rome*, that was one Father *Cary*, I told him what was the Resolve of the Consult concerning the death of the King.

Lord Ch. Just. Did you so?

Dr. Oates. Yes my Lord, I did: I told Mr. *Langhorn* that several of the Fathers were to be admonished for their irregular living, as they termed it: and to this Mr. *Langhorn* did reply as near as I can remember, that he found some of them did not live up to the rules of the Society.

Lord Ch. Just. Pray tell us more particularly what you told him. And tell us as near as you can, as you told it him then, the business of the Plot upon the King.

Dr. Oates. I told him the Resolve of the Society, and of that Consult, and what was that which was resolved, that *Pickering* and *Grove* should go on to attempt to assassinate the Kings person, and what was to be their Reward, th'one was to have, that is *Grove*, 1500 *l.* and the other, that is *Pickering*, was to have 30000. Masses: he lift up his hands and eyes when I told him this (and I told him more particularly than I can now remember) and he lift up his hands and Eyes, and prayed God that it might have good success.

Lord Ch. Just. Did you tell him they had Signed to this agreement?

Dr. Oates. Yes, my Lord, I told him that they had all Signed it.

Langhorn. When was this?

Dr. Oates. It was the latter end of *April*, or beginning of *May*.

Langhorn. How long after they had Signed the Consult?

Dr. Oates. A day or two after.

Langhorn. *Dr. Oates*, Do you know the day of the month? you have asserted the day of the month formerly, pray do it now.

Mr. Just. Pemberton. Let him go on, you shall ask him what Questions you will by and by.

Dr. Oates. My Lord, I saw there a Commission for my Lord *Arundel* of *Warder*, and another to my Lord *Powis*; the one was to be Lord High Chancellor, and the other to be Lord High Treasurer; there was a Commission for my Lord *Bellasis*, to be General, another for my Lord *Peter* to be Lieutenant-General, and there were other Commissions, of which I cannot remember the particular names, but there was a Commission for *Coleman* to be Secretary of State, and there was a Commission for the Prisoner at the Bar, to be Advocate of the Army.

Lord Ch. Just. By what Authority were those Commissions?

Dr. Oates. They were by Authority derived from the *See of Rome*, by virtue of a Breve from the Pope, directed to the General of the Society, and they were Signed *IHS*, and with the mark of the Cross through the *IHS* and they were Signed *Johannes Paulus de Oliva*.

Lord Ch. Just. North. That is the Jesuits mark?

Dr. Oates. Yes, my Lord.

Lord Ch. Just. North. Where did you see those Commissions?

Dr. Oates. In Mr. *Langhorn's* Study of his Chamber in the *Temple*.

Lord Ch. Just. Where? Did they lie open that any one might see them?

Dr. Oates. They lay upon a corner of his Desk, folded up.

Lord Ch. Just. How came you to see them?

Dr. Oates. My Lord, if your Lordship please, I will tell your Lordship how I came to see them. We had notice they were come, by a Letter from one Father *Anderton*, and he called these Commissions, Patents, and if it please your Lordship, I did ask Mr. *Langhorn*, whether he had received them: he told me, yes: then I asked him whether he would do me the favour to let me see them: and because I had been privy to the Consults, and came to wait upon him by Order of the Provincial, he did let me see them.

Lord Ch. Just. And you saw them in his Study upon his Desk?

Dr. Oates. Yes, my Lord, I did. And particularly one more I can tell of, which his Son was to deliver to a Son of my Lord *Arundel* of *Warder*.

Lord Ch. Just. How many Commissions were there?

Dr. Oates. I cannot say, about 7 or 8 I think, I did see, and looked over.

Mr. Just. Atkins. And you knew what they were?

Dr. Oates. Yes, for those that I saw, that I can remember?

Lord

Lord Ch. Just. What was my Lord *Powis* to be?

Dr. Oates. Lord High-Treasurer.

Lord Ch. Just. And what my Lord *Arundel*?

Dr. Oates. Lord High-Chancellor of *England*.

Lord Ch. Just. And what my Lord *Stafford*?

Dr. Oates. As to my Lord *Stafford*, I cannot give so good an account; but as I remember, he was to be a Pay-Master in the Army, or some such Office relating to the Army.

Lord Ch. Just. North. What was the Prisoner at the Bar to be?

Dr. Oates. A Judge in the Army, or an Advocate General, so they called him.

Lord Ch. Just. You saw most of these?

Dr. Oates. I saw several of them, most of them in his custody, I cannot say all: There was more than for these Lords, for other inferior Officers.

Lord Ch. Just. How many might there be of them, as near as you can guess?

Dr. Oates. I think he told me they were about 50.

Lord Ch. Just. What number did you see?

Dr. Oates. I saw about half a dozen, or 8.

Lord Ch. Just. Well Sir, go on.

Dr. Oates. My Lord, I am now to speak to your Lordship concerning some Letters that he wrote to *Rome*, and there was——

Lord Ch. Just. Had you any discourse with him concerning the matters of any of the Commissions of my Lord *Bellasis*, and my Lord *Powis*?

Dr. Oates. No my Lord, I had but little skill in Military Affairs, and therefore I said but little, and I cannot give you an account word for word, what the discourse was, for it was out of my way. My Lord, there were several Letters which Mr. *Langhorn* writ to Father *Le Cheefe*, the Answers to which I saw in *April* and *May*; whereupon the Fathers did desire they might have the Originals of those Copies: He gave me the Originals to carry to the Fathers, I think it was that very day I had been with him in the afternoon; for I was with him in the morning the Fathers did read the Letters.

Lord Ch. Just. From whom came they?

Dr. Oates. From Father *Le Cheefe*, and from Father *Anderton*. And *Le Cheefe* in his Letter did assure him of his steadfastness and constancy, to assist the Society for the carrying on the Cause: And that they should not need doubt, but the *French King* would stand by them, or to that purpose. I cannot remember exactly the words, but it was to that effect.

Lord Ch. Just. But they were directed to Mr. *Langhorn*?

Dr. Oates. I cannot Swear that directly, but he gave them me.

Lord Ch. Just. Who were *Le Cheefe*, and *Anderton*?

Dr. Oates. The one was Confessor to the *French King*, and the other Rector of the Colledge at *Rome*.

Mr. Just. Atkins. But you saw those in the Prisoners custody you say?

Dr. Oates. Yes my Lord, I did.

Lord Ch. Just. He gave them you to deliver to the Fathers, to *Whitebread* and the rest of them?

Dr. Oates.

Dr. Oates. Yes, my Lord, but I cannot say who they were directed to.

Lord Ch. Just. But pray repeat what was the Substance of that Letter.

Dr. Oates. My Lord, as to the words of them, I dare not charge my memory, but it was to this purpose, That *Le Cheefe* would stand by the *English Society*, and assist them, and that they should not need to doubt the *French King*, or to that effect.

Mr. Belwood. Do you remember any Letters that were writ by Mr. Coleman to *Le Cheefe*?

Dr. Oates. Yes, my Lord, I remember several Letters that Coleman writ, but Mr. Langhorn was not affected in them.

Mr. Belwood. Did he know of them?

Dr. Oates. He gave an accompt in his Letter to the Society, that Coleman had writ Letters to *Le Cheefe*, and was very large, and therefore he should not trouble his Reverence with any long Epistles.

Sir Cr. Levins. What do you know of any money that was to be raised by the Benedictine Monks.

Dr. Oates. I had forgot that.

Lord Ch. Just. You say that he said they should not need to doubt the *French*, but he would stand by them with Men and Money, for what purpose pray?

Dr. Oates. He tell you for what purpose it was, the words of the Letter did alledge it to be for carrying on of the Cause.

Mr. Just. Pemberton. You mean the Catholick Cause?

Dr. Oates. So it was generally understood.

Lord Ch. Just. But for the other money, what say you?

Dr. Oates. Mr. Langhorn was employed as Solicitor for the Jesuits, and did accompany some of the Society, Father Harcourt, Father Fenwick, Father Kaines, and Father Langworth, and they went and did communicate the Secret to the Benedictine Monks, desiring them to stand by them with a Sum of Money for the carrying on the Design: now upon Mr. Langhorn's Soliciting them, and appearing for them, as I have heard, 6000 *l.* was promised and paid.

Lord Ch. Just. By whom promised and paid?

Dr. Oates. By the Benedictine Monks.

Lord Ch. Just. To whom?

Dr. Oates. To the Society.

Lord Ch. Just. To what Person?

Dr. Oates. That I cannot say, but it was said Mr. Langhorn was to receive it.

Lord Ch. Just. Did you see the Money paid?

Dr. Oates. No, I did not.

Lord Ch. Just. Did you hear Mr. Langhorn confess it was paid?

Dr. Oates. Mr. Langhorn did say in the Month of July or August, I cannot be positive which, but thereabouts, when he was spoke to about it, that he would stir in it, and do to the utmost of his power for the procuring of it. And another thing, I am sure Mr. Langhorn was very much disgusted, that Sir George Wakeman was not contented with the 10000 *l.*

Sir Cr. Levins. What was the 6000 *l.* for?

Dr. Oates. It was for the general Cause.

Sir Cr. Levins. For the Murther of the King?

Dr. Oates. Yes, and for the alteration of Religion.

Lord Ch. Just. North. How did it appear that Mr. Langhorn was disgusted; that Sir George Wakeman would not take the 10000*l*? and what was it for?

Dr. Oates. It was to Poison the King; and he said he was a covetous man, that it was in a publick Concern, and that being it was to carry on the Cause, it was no matter if he did it for nothing; but he said he was a narrow Spirited, and a narrow Sould Physician.

Lord Ch. Just. When was it that he said he would stir for the Money?

Dr. Oates. It was in July, or in August.

Langhorn. My Lord, may I ask him any Questions?

Mr. Just. Pemberton. Yes; yes, Mr. Langhorn, you may.

Lord Ch. Just. North. Pray Mr. Oates, you saw such and such Commissions from the Superior of the Jesuits, that were Signed *Johannes Paulus de Oliva*, pray will you look upon this, and see whether you know it, (and a Writing under the Jesuits Seal was shew'd him.)

Dr. Oates. This is the hand, the very hand, that was to the others, and they had put such a Seal; and that is for Mr. Stapleton, to be Rector of St. Omers.

Sir Cr. Levins. Now my Lord, if you please, this was not one of those Commissions that Mr. Langhorn did distribute to the Persons that were to have them, no, he would let us have none of those, but it is a Commission of another nature, tis neither for an Office Civil nor Military, but Ecclesiastical, yet it is under the same Hand and Seal.

Langhorn. You say you came to me the first time in November? and you went to St. Omers, when Sir?

Dr. Oates. The latter end of November.

Langhorn. When arrived you at St. Omers?

Dr. Oates. I think it was the 10th of December new Stile, I will not be positive.

Lord Ch. Just. All their defence lies in Catches upon a point of time, in which no man living is able to be positive.

Dr. Oates. My Lord, if the 26th. of November fell upon a Monday, then it was on the 26th. day that I set out for Dover in the Coach, as near as I can remember, and I got to St. Omers a Friday morning following.

Langhorn. A Friday after, you say you got to St. Omers?

Dr. Oates. About that time.

Langhorn. How long did you stay there?

Dr. Oates. Till April following I stay'd.

Langhorn. Without any moving from thence?

Dr. Oates. Onely went to Paris, and after that a night or two at Watton, and then came away in April. My Lord, I desire, if your Lordship please, that Mr. Langhorn may ask the Court, and the Court ask me; for I know the Court will be so kind, as to ask me such Questions as are reasonable, and proper for me to answer.

Mr. Just. Atkins. That indeed is the regular way, for Prisoners should not ask the Question, but the Court.

Langhorn. Very well, I shall observe the Method, if your Lordship please. I desire to know what time in April he came back for England.

Dr. Oates.

Dr. Oates. I came about the middle of *April*, or latter end, I will not be so positive in that, and I was in *England* under 20 days.

Langhorn. Can you tell what day you came into *England*?

Dr. Oates. No, I cannot exactly, but I came in *April* the middle or the latter end.

Langhorn. I desire to know who came with him?

Dr. Oates. My Lord, there came a matter of 9 or 10 of us in all.

Lord Ch. Just. Name them.

Dr. Oates. There was Father *Williams*, and Father *March*, the Rector of *Liege*, and Sir *John Warner*.

Langhorn. What is the Rector of *Liege's* name?

Dr. Oates. *Warren* I think, I cannot tell names so exactly.

Langhorn. Go on Sir, pray.

Dr. Oates. I cannot name any more.

Langhorn. You have named them all in the Records of the Lords House.

Dr. Oates. 'Tis like I have, I refer you to that.

Langhorn. Did Sir *Thomas Preston* come over with you?

Dr. Oates. Yes, he did.

Langhorn. Did *Pool* come over with you?

Dr. Oates. Yes.

Lord Ch. Just. Look you Mr. *Langhorn*, we had all this matter spoken of yesterday, and there were Witnesses that prove that Sir *Jeremy Warner*, and Sir *Thomas Preston*, were there.

Langhorn. I humbly conceive, that was upon an Issue tried in another County, by another Jury, and therefore I hope I do not amiss in urging what I can say for my self to this Jury.

Lord Ch. Just. You are not debarred, I only told you of it. Was Sir *Robert Bret* there?

Dr. Oates. Yes, I think he was, I am not confident of that. My Lord, I own what Mr. *Langhorn* can bring to the Court upon Record.

Langhorn. I only ask it, because he says so in the House of Lords.

Dr. Oates. If you can shew the Record of what I said there, do.

Langhorn. I do not desire him to name them now, but to know whether he does now affirm the truth of what he Swore in the House of Lords?

Lord Ch. Just. If you can produce, as you may, if you have been diligent, a Copy of the Record in the House of Lords, and have it Sworn to be a true Copy of the Records, it will be Evidence for you, and shall be read; but to put him to remember a Record without Book, must not be, it would be hard for him to undertake that.

Langhorn. I desire to know how he came from *Dover*; whether in a Coach, or on Horseback, to *London*?

Dr. Oates. Indeed the Question is so sudden, that I cannot be positive, but as near as I remember, I came by Coach.

Langhorn. I will give you my reason why I ask this; because he hath formerly upon a Trial in the *Kings-Bench*, affirmed he came by Coach, in the company of Mr. *Hilsley*.

Dr. Oates.

Dr. Oates. No, I did never say so; but I came over in the Pacquet Boat, in the company of Mr. Hilsley, but when we were come over, Mr. Hilsley went out of the way from us.

Langhorn. I desire to know where he lodged, when he came to Town?

Lord Ch. Just. Where did you lodge the first night?

Dr. Oates. I did lie at Mr. Grove's house, when I came to London in April.

Lord Ch. Just. But the first night when you came from Dover, when you came into London in April?

Dr. Oates. My Lord, I cannot say, I lay there the first night; but my lodging was provided for me there.

Lord Ch. Just. You are to Answer as well as you can, if you cannot remember it, say so. Do you say the first absolutely, or not?

Dr. Oates. My Lord, I cannot remember the first night, but I lay several nights at Mr. Grove's.

Langhorn. Then I ask, whether he did generally lie there, during his stay?

Dr. Oates. I did lie there some nights.

Lord Ch. Just. How many times did you lie there?

Dr. Oates. I believe three or four nights, I won't be positive as to the Number.

Langhorn. What day was the Consult?

Dr. Oates. It was the 24th. of April.

Langhorn. What day did you acquaint me with it?

Dr. Oates. A day or 2 after.

Langhorn. When did he return back to St. Omers?

Lord Ch. Just. When did you go back? about what time?

Dr. Oates. My Lord, I think it was a week in May, I cannot be positive, but I think that was the outside.

Lord Ch. Just. They said, yesterday you affirmed you stay'd but 6 days.

Dr. Oates. I do not say so, but I say under 20.

Mr. Just. Dolben. Come, have you any thing else to ask him?

Langhorn. Those Letters that he speaks of, I desire to know whether he saw me write them?

Lord Ch. Just. Those Letters you speak of, did you see him write them?

Dr. Oates. I did not see him write them, but I am sure they were his Letters, because I know his hand.

Lord Ch. Just. How did you come to know his hand, since you did not see him write them?

Dr. Oates. I saw the Letter whereby he ordered money to be paid, 5 l. to his Son: And I saw the money paid to his Son, by that Order.

Langhorn. Do you know that Le Cheefe, and Anderton, writ to me?

Dr. Oates. I do not say that they writ to him, but he had Letters Subscribed by their Names, and they were said by him to come from them, and they were to be communicated to the Priests and Jesuits; and he delivered them to me to that end.

Langhorn. When you returned to St. Omers, how long did you stay there?

Dr. Oates. Till 23d. June new Stile, which is the 13th. old Stile.

Langhorn.

Langhorn. I remember he professed himself a *Roman Catholick*, I see he is a Minister : I desire to know of him when he left the Protestant Religion, and became a Convert, as he called himself; call it what you will, when he left being a Protestant, and became a Papist, that is it I mean?

Dr. Oates. He does it for nothing but to quarrel.

Lord Ch. Just. When did you leave the Church of *England*?

Dr. Oates. My Lord, if it be the pleasure of the Bench to ask me that Question—

Lord Ch. Just. You ought to answer it, though it be nothing to the purpose.

Dr. Oates. Then I answer, it was either in *February* or *March* 1676⁷

Langhorn. My Lord, I desire to know whether he had any Benefice?

Dr. Oates. Yes, I was sometime Vicar of *Bobbing*—in *Kent*. But I suppose this is to make me accuse my self of something, whereby I might forfeit my Living: for my Lord, I have a right in a point of Equity still to that Living, but only for going beyond Sea without leave of my Ordinary, I am not now Vicar of—

Langhorn. When did you come to your Vicaridge?

Dr. Oates. In 1672.

Langhorn. You became a Papist in 1677. I ask this Question, whether he did leave his Living before he turned Papist?

Dr. Oates. My Lord, I am not willing to answer that Question.

Lord Ch. Just. When did you leave your Living? did you leave it before you went away?

Dr. Oates. It was not very long before, but the reason why I am not willing to tell; When I left the Parish, I left it in the charge of Mr. *Thomas Turner*, Vicar of *Milton*, and I did go near about *Chichester*, and served a Sequestration there. The Air was not a good Air in that part of *Kent*, and I had not my health, and that was one reason, and for other reasons best known to my self.

Langhorn. After he became a Papist, I desire to know, whether he became a Jesuit? Were you in any Order there?

Lord Ch. Just. Mr. *Langhorn*, it is not a proper Question, we ought not to ask it him: You are a man of the Law, and therefore you know it is not fair to ask any Person a Question about a Criminal matter that may bring himself in danger.

Langhorn. I take him to be out of danger, he hath his Pardon.

Lord Ch. Just. I don't know what his Pardon is, nor how far it reaches, nor whether this be contained in it; but if Mr. *Oates* pleases to answer that Question, he may.

Mr. Just. Dolben. Though he hath his Pardon, he may be in danger of the Ecclesiastical Censure.

Lord Ch. Just. He says he will not.

Langhorn. He give you another reason why I ask it, because in one of his Narratives he seems to call himself so; he says, *There came over 9 of us, all Jesuits*, I suppose him to be one of that Order; this I took to be a ground, why I might properly call him so.

Lord Ch. Just. Narratives are no Evidence at all.

Langhorn. But that gave me an occasion to ask the Question.

Dr. Oates. I cannot answer it, because it tends rather to raise a debate in the Court, than conduces to the Question, to acquit or condemn the Prisoner.

Mr. *Just. Pemberton*. You are not bound to answer it.

Lord *Ch. Just.* He tells you, he is not bound by Law to answer, and he refuses to answer.

Langhorn. I desire to know, whether he ever saw me, or conversed with me, from the time he acquainted me with the Consult, and saw the Commissions in my Chamber?

Lord *Ch. Just.* How often did you converse with Mr. *Langhorn*?

Dr. *Oates*. After I returned again in *July* and *August*, once or twice.

Lord *Ch. Just.* How often in *April* and *May*?

Dr. *Oates*. Twice I think, about the time of the Consult.

Lord *Ch. Just.* And when you came over again, how often?

Dr. *Oates*. Twice more I think, twice or thrice.

Lord *Ch. Just.* So, then he hath been four or five times in your company.

Dr. *Oates*. He would not let me come to his house, for he used to say, his Wife was but *aumes ace* turned from a Devil; and therefore he would not have me come thither.

Langhorn. I hope he will not go out of the Court?

Lord *Ch. Just.* No, he will stay here, but you have done with him at present, have you not?

Langhorn. Yes, my Lord, I have.

Sir *Cr. Levins*. Swear Mr. *Bedloe*. (Which was done.)

Lord *Ch. Just.* Mr. *Bedloe*, I ask you but one short Question, because I would not interrupt you afterwards, That Paper that you saw Signed by the Superior of the Jesuits, where had you it?

Mr. *Bedloe*. I had it at Mr. *Daniel Arthur's*.

Langhorn. What is that?

Lord *Ch. Just.* It is an Instrument Signed and Sealed, just as the things were, which Mr. *Oates* says, he saw in your Chamber.

Lord *Ch. Just. North*. And besides you must take notice, that this was found a long time after Mr. *Oates* had given his Testimony publicly, for his Closet was not searched till a great while after.

Lord *Ch. Just.* It is to shew you what Seals they used to have to their Commissions. Mr. *Oates* describes several Commissions that he saw in your Study, so Sealed and Subscribed, and after the searching Mr. *Arthur's* Study, being a Papist, that Commission is found there. Now though it be a thing of a private Concern, a Church matter, not relating to the matters in Question, yet this very Commission is so subscribed, and so signed and sealed, as Mr. *Oates* had described those to be before in your Chamber.

Mr. *Bedloe*. Because it was exactly the hand and seal that I saw to the Commissions in *Paris*, I did take particular notice of the Paper, and brought it to the Council.

Lord *Ch. Just.* Well Sir, now go on with your Evidence.

Mr. *Bedloe*. First, my Lord, I only ask this Question of the Court, whether a known *Roman Catholick* may take Notes of the Evidence in such a Cause?

Lord *Ch. Just.* Truly no, I think not.

Mr. *Bedloe*. There is an honourable Lady in that Gallery, the Lady *Marchioness of Winchester*, that hath took Notes all this Trial.

Lord *Ch. Just.* She will do her self, nor no body else any great hurt, by what she writes.

Mr. *Bedloe*. I only speak it for the information of the Court.

Lord

Lord Ch. Just. A Woman's Notes will not signify much truly, no more than her tongue.

Mr. Bedloe. My Lord, about 3 years since, I was sent by Mr. *Harcourt*, and Mr. *Coleman*, to *Le Cheefe*, with some Letters for the carrying on of this Design. With these Letters, Mr. *Coleman* asked me, if I could go with him as far as the *Temple*. I have no particular acquaintance with Mr. *Langhorn*, I was but twice at his Chamber, once with Mr. *Harcourt*, and once with Mr. *Coleman*. I waited upon Mr. *Coleman* to Mr. *Langhorn's* Chamber in the *Temple*: There did he Register such Letters as Mr. *Coleman* brought to him, and afterwards Mr. *Coleman* sealed them up, and gave them me to carry to *Le Cheefe*.

Lord Ch. Just. How do you say? when you went with Mr. *Coleman* to Mr. *Langhorn's* Chamber, were the Letters writ there?

Mr. Bedloe. The Letters were writ first at *Coleman's* house, and brought open by *Coleman* to Mr. *Langhorn*, and he read them and Registered them, and then *Coleman* sealed them up, and gave them to me to carry away.

Langhorn. What Letters were these?

Lord Ch. Just. Do you know what the effect of those Letters were?

Mr. Bedloe. The Letters were read some of them at the *Kings-Bench* Bar, at *Coleman's* Trial: There was one of them writ by Mr. *Harcourt*, another by Mr. *Coleman*, to *Le Cheefe*.

Mr. Just. Pemberton. What was the effect of them?

Mr. Bedloe. Only to let *Le Cheefe* know, that they waited only now for his Answer, how far he had proceeded with the *French King*, for the sending of money; for they only wanted money, all other things were in readiness. That the Catholics of *England* were in safety, had made all Places, and all Offices, to be disposed of to Catholics, or such as they thought would be so; that all Garrisons were either in their own hands, or ready to be put into them; that they had so fair an opportunity, (as I remember that was one of the expressions in the Letter to Father *Stapleton*) that they had so fair an opportunity, having a King so easy to believe what is dictated to him by our Party, that if we slip this opportunity, we must despair of ever introducing Popery into *England*; for having a King of *England* so easy, and the *French King* so powerful, they must not miss such an opportunity.

Lord Ch. Just. For what?

Mr. Bedloe. To send over money for the carrying on of the Cause, for they only wanted that, all else was in readiness: And the other Letters were to the same effect, though in other words. That Letter was in *English*, but the Letters to *Le Cheefe*, and the Nuncio, were both in *French*.

Lord Ch. Just. But you understand *French*, don't you?

Mr. Bedloe. Yes, my Lord, I do.

Lord Ch. Just. Did he Copy them out, while you were there by?

Mr. Bedloe. He Registered them before me.

Lord Ch. Just. Did he write them into a Book? and were you there all that time?

Mr. Bedloe.

Mr. *Bedloe*. Yes, my Lord, I and *Coleman* walked in the Chamber, whilst he went in and writ, as he did other things; for he Registered all their Accompts: There was not a peny of Money either received or laid out, nor any thing done almost in relation to this Concern, but he did keep a Register of it: I cannot say, that ever he did talk any thing before me of the Kings death particularly, but talked of the whole Design. About a Year and a half since, Mr. *Harcourt* sent another Pacquet of Letters by me to Mr. *Langhorn* to be Registered; he looked strangely upon me, and received the Letter, and sent an Answer to Mr. *Harcourt*, that Mr. *Williams* (for I went then under the name of Captain *Williams*) had delivered him such Letters, and that he should have them again to morrow, after he had Copied them, and Registered them. Mr. *Harcourt* read the Letter of Answer to me, and in the Letter it was Mr. *Williams*. Said I to Mr. *Harcourt*, I thought I might have been Registered by my right name, because when any thing should take effect and occasion serve, I resolved to bear my own name. Alas, says he, this does not signifie any thing at all, for as for this Register, it is not so considerable: there shall be a new Register made, of things of weight and moment, this is only a blind Register amongst our selves. The 2 Letters that I brought from *Harcourt*, there was one of them from Sir *William Godolphin*, that I had brought before from *Spain*.

Lord Ch. Just. Who was that directed to?

Mr. *Bedloe*. To my Lord *Bellasis*; and about three weeks after it was that I was sent to Mr. *Langhorn*, to have it Registered; the other was from the *Irish* Colledge of Jesuits in *Salamanca*. The Letter from the Rector did specify, that they would have my Lord *Bellasis*, and the rest of the Lords that were concerned, and the rest of the Party in *England*, to be in readines, and to have this communicated with all expedition; for now they had provided in *Spain*, under the notion of Pilgrims for St. *Jago*, some *Irish* Cashier'd Souldiers, that had left their Country, some for Religion, and some for their Crimes, and a great many Lay-Brothers, whom they had procured, and gathered together under the notion of Pilgrims, to be ready to take Shipping at the *Groin*, to Land at *Milford-Haven*, there to meet my Lord *Powis*, and an Army that he was to raise in *Wales*, to further this Design. And these Letters said they had almost brought it to a Period, that they did only expect a return from *England*, to shew in what readines they were here, that accordingly they might proceed.

Lord Ch. Just. Did Mr. *Langhorn* see these Letters?

Mr. *Bedloe*. He took these Letters from me, and told me Mr. *Harcourt* should have them again, when he had transcribed them; and writ a Letter to Mr. *Harcourt*, that Mr. *Williams* had brought him such Letters.

Lord Ch. Just. And he did transcribe them?

Mr. *Bedloe*. I suppose so, for he afterwards sent them back to Mr. *Harcourt*.

Mr. Just. *Atkins*. Was it a good large Book that he Registered them in?

Mr. *Bedloe*. I know not what Book he Registered them in, nor those Letters.

Langhorn. It is a proper Question, because he said I Registered those Letters before him.

Mr. *Bedloe*. I say, I saw him in his Study transcribe *Coleman*'s Letter, whilst *Coleman* and I walked in his Chamber.

L. C. J. Into what kind of Book did he Register that? Had he more Books than one, pray?

Mr. *Bedloe*.

Mr. Bedloe. My Lord, I cannot tell that, I judge it might be the same Book. I saw the Book then, it was a large Parchment Book; but I did not see it when *Harcourts* Letters were Registered. When *Coleman* and I came thither, he went into his Study, and left us in the Chamber, I saw him transcribing the Papers that lay before him: but when I brought those Letters from *Mr. Harcourt*, I onely delivered them sealed up, and his answer to *Father Harcourt* was, that *Mr. Williams* had brought him so many Letters, and he should have them again as soon as he had transcribed them.

Lord Ch. Just. *Mr. Langhorn*, you would do well to shew us the Book, and that would make the matter plain.

Lord Ch. Just. North. Could you see how far he had gone in the Book, and what Room there was left to write other Letters.

Mr. Bedloe. It was a Book at least 3 Inches thick, and as near as I could guess, he had gotten threw 2 thirds of the Book.

Lord Ch. Just. But you should shew us your Book, *Mr. Langhorn*.

Langhorn. I say my Lord, if I had such a Book it must needs be found in my Study, if I had it, it must be there, for I never removed it.

Lord Ch. Just. That was not a Book fit to be left there.

Mr. Bedloe. My Lord, *Pritchard* did tell me, that the Commissions were come, and that *Mr. Langhorn* had them, and things, says he, are now in a readiness. Then said I, When shall I have my Commission? Said he, those that *Mr. Langhorn* hath are only for the General Officers; you must have yours, said he, from my Lord *Belasis*.

Sir Cr. Levins. Do you know any thing of any money that was to be raised by the Benedictine Monks; 6000 *l.* or what other sum?

Mr. Bedloe. My Lord, in *May 1676.* among the Letters I carried to *Le Cheefe*, one of them was directed to *Stapleton* a Benedictine Monk, to raise the money for *England*.

Lord Ch. Just. The money, what money?

Mr. Bedloe. The money they had promised to remit into *England*.

Lord Ch. Just. But did they name no sum?

Mr. Bedloe. No my Lord, for they had no particular promise, but only that they did make it their business to raise what they could.

Lord Ch. Just. And what was it? Do you know of any sum of money that was raised, and by whom?

Mr. Bedloe. *Le Cheefe* told me himself, that they had no reason to suspect him or his Interest with the *French King*, for he had laid that sure enough. And that when he found a fit opportunity, the money was ready to be remitted into *England*, and that he had remitted some of it already to *Mr. Coleman* and *Ireland*.

Lord Ch. Just. You know not, but by what *Le Cheefe* told you?

Mr. Bedloe. No.

Lord Ch. Just. He speaks what *Le Cheefe* told him, that he would raise money, and that he had sent some to *Mr. Coleman*, and *Ireland*.

Mr. Bedloe. Yes, and that the rest should follow when he found there was absolute occasion; but he would not part with his money till they had assurance of their being in readiness here, and likely to further and carry on the Design.

Mr. Just. Atkins. *Mr. Bedloe*, had you any discourse with the Prisoner about any Commissions?

Mr. Bedloe. No my Lord, 'tis at least a year and an half since I saw him.

Lord Ch. Just. Did he ever own any Commissions he had?

Mr. Bedloe. No, *Pritchard* told me he had some.

Lord Ch. Just. You have seen the Commissions, have you not?

Mr. Bedloe. No, I never saw any in *Mr. Langhorns* hand.

Lord Ch. Just. Where did you see them then?

Mr. Bedloe. *Sir Henry Tichbourn* did shew me three Commissions in *Paris*, Signed by the General of the Order, and sealed with the Jesuits Seal, which made me take up this Paper, which hath been shewn, tho it were a thing indifferent, yet because it was written with the same hand, and Sealed with the same Seal that the Commissions were that I saw at *Paris*.

Mr. Belwood. Did *Mr. Langhorn* know any thing of the Treason to murder the King, by *Pickering* and *Grove*.

Mr. Bedloe. That I do know only y breport; but when *Grove*, *Pickering* and *Conyers* were going to *New-Market* I was at *Harcourt's* Chamber, and I had a Design to go to *Windsor*, to observe what they did; and I did ask *Father Harcourt* to give me leave to go see a friend of mine take shipping at *Plymouth*, to send some Commendations by him to my Friends in *Italy*; then says *Father Harcourt*, you cannot be spared, you must not go now, for we don't know what return these Gentlemen will make of their journey, and what occasion there may be for you, if there should be any good effect of it: then said I, I will go and write, and send it by a friend down to be sent into *Italy*, but said he, you must stay a while till I come back again. I am going to *Mr. Langhorns* Chamber in the *Temple*, to take the Minutes of what they have done this morning: that was the contrivance of sending down those people to *New-Market* to assassinate the King.

Mr. Just. Atkins. That is no Evidence against the Prisoner, because it is by Hear-say.

Lord Ch. Just. It is right, and the Jury ought to take notice, That what another man said is no Evidence against the Prisoner, for nothing will be Evidence against him, but what is of his own knowledge. But I desire *Mr. Bedloe*, as well as you can, you would repeat the effect of one of the most material Letters *Mr. Langhorn* did transcribe.

Mr. Bedloe. Though I was not so exact a *French-man* in the nicety of the Tongue, yet I understood enough to learn the sence of those Letters. The *English* Letter from *Stapleton*, which he transcribed, was to this effect; That *Coleman* and *Harcourt*, naming themselves We, (that is, We and the Jesuites, and it was to the Rector, of the *English* Monks in particular, but I missed of the Rector and *Mr. Stapleton* receiv'd it) I say the effect of that Letter was, they would have a certain answer from them——

Langhorn. When was it?

Mr. Bedloe. It was in (76)

Lord Ch. Just. What was the effect, say you?

Mr. Bedloe.

Mr. Bedloe. The effect was, that they would have a final Answer from those Religious at *Doway*, and *Paris*, to know how far they had proceeded with the *English* Religious, and all their Friends beyond Sea, in making Collections, and remitting of money, for there was only money wanting; for the Arms of the Catholics were all ready, and they had all a good mind to the Business, their Arms and Hearts were ready, and the easiness of the King of *England*, and the strength of the power of *France*, made it an opportunity not to be neglected: That the Garrisons were ready to be put into such hands as they could trust.

Lord Ch. Just. Was there such an expression in the Letter, upon your Oath, that they had such Arms, and that the Garrisons were ready to be put into their hands, and whose hands they were ready to be put into.

Mr. Bedloe. Yes, my Lord, there were such expressions, and they would have the Garrisons only in such hands as they could trust.

Lord Ch. Just. And did he transcribe those Letters?

Mr. Bedloe. He did transcribe those 3. while we were in his Chamber.

Mr. Just. Pemberton. Was there any mention of exciting the *French* King by power, to Invade this Kingdom?

Mr. Bedloe. There was in the *French* Letter to Monsieur *Le Cheefe*, which he transcribed too.

Langhorn. That was in *French* he says.

Lord Ch. Just. I suppose you understand *French* too, or else you could not do what you did.

Langhorn. I Understand Law *French*.

Lord Ch. Just. Mr. Bedloe, did you never hear him discourse in *French*?

Mr. Bedloe. No, my Lord.

Dr. Oates. I cannot write nor read *French*, but I can Translate it.

Mr. Recorder. If you have any Questions to ask him, you may ask him.

Langhorn. How many were the Letters that then I transcribed?

Mr. Bedloe. There were Three, my Lord; one was to the *English* Monks at *Paris*, another was to Monsieur *Le Cheefe*, another to the Pope's Nuntio.

Langhorn. Were they long or short ones, I ask for this reason, because I observe that in the Narrative, *Coleman's* Letters are very long, of what length might they be.

Mr. Bedloe. They were the best part of half a sheet of Paper, for Mr. *Coleman* writ a curious fine small hand, and would put a great deal of Business into a little Paper, the Popes Nuntio's Letter was very short.

Lord Ch. Just. Did he transcribe them all before you went away?

Mr. Bedloe. Whilst we walked in his Chamber, he Registered them: We took a great many turns about in the Chamber, and I saw the Papers before him, and his Book.

Langhorn. Did those Letters express what the money was to be raised for, or did they leave it to be understood; my meaning, my Lord, of my Question is this, whether Mr. *Coleman* writ to him to hasten the money, and said it was for such a particular use, or only in general.

Lord Ch. Just. He hath answered it already, but he will do it again.

Mr. Bedloe. My Lord, though it was not expressed in the Letter, but only

only we want nothing else from beyond Sea, but your assistance; tho it was not expressed in the letter to destroy the King and the Protestant Religion, yet the full of the discourse betwixt Mr. Coleman and Mr. Langhorn, was to this effect. We only stay for money, when we have got that, we will put our selves into a posture.

Lord Ch. Just. If you observed it, he said so before; when we asked him what the effect of those Letters was, that all things were ready, it is a good opportunity now for the effecting of our Design, having so easie a King to deal with, and your King having so powerful a Treasury; do you but get the mony of him, and we shall do well enough.

Mr. Bedloe. Though it was not specified in the Letters what the mony was for, yet in the discourse between Mr. Coleman and Mr. Langhorn, it was worded so, that it was plain, it was to destroy the Government and introduce Popery.

Langhorn. My Lord, ask whether this be all that he charges upon me?

Mr. Bedloe. I cannot say that my Lord, that this is all I have to say against him; things may occur to my memory hereafter, which do not now.

Lord Ch. Just. But at this time you remember no more, do you?

Mr. Bedloe. No.

Mr. Just. Atkins. But to my apprehension what you said last is most material, that is the discourse between him and Mr. Coleman, for that Rivets the whole. When he said, that is we had but a Return of this money, then we have made our selves safe, or words to that effect; but it was to the full meaning of this, that the Protestant Religion could not stand any longer here, having assistance from France.

Lord Ch. Just. So they consulted together after the Letters were transcribed, did they?

Mr. Bedloe. Yes my Lord.

Dr. Oates. My Lord, I omitted one thing that was very material in my Evidence, which comes in my mind since. The Congregation at Rome did contribute 800000 Crowns to be sent into England, and Mr. Langhorn did inquire concerning that money, and had knowledge of the Receipt of it in France, as Mr. Langhorn did say in the month of July or August.

Lord Ch. Just. Did he say it to you?

Dr. Oates. He did to Father Harcourt, Father Kaines, and Father Fenwick that were there, 800000 Crowns come to France.

Lord Ch. Just. What said he then concerning the 800000 Crowns?

Dr. Oates. He gave an account of the moneys being lodg'd at Paris.

Lord Ch. Just. You hear what he says, that you gave an account of 800000 Crowns that were raised abroad, that it was lodg'd and receiv'd at Paris.

Mr. Bedloe. I recollect something more now, tho I was not in Mr. Langhorns Chamber, I met with Father Kaines one day, and said he, I must go and speak with one Mr. Langhorn presently, and when he came out again, he brought a Letter in his hand, and afterwards we went to a Tobaccolhop in Wild-Street, and there Father Kaines told me the effect of the Letter. He told me it was a Chiding Letter from the Secretary de propaganda fide, Cardinal Barbarino, who had sent a chiding Letter to Mr. Langhorn and the rest of the Conspirators, for going on no faster when they had so fair an opportunity.

L. C. J. Did you see the Letter directed to Mr *Langborne*?

Mr. *Bedloe*. Father *Kaines* told me the Effects of it, and he had the Letter from Mr *Langborne*.

L. C. J. He told you so, well but this Evidence is as to the Plot in general, but not to Mr *Langborne* in particular. But that which he charges you particularly with, is this, Your Transcribing the Letters, wherein there was an Expression made, of your being all in readiness as for Arms and the Garisons; and your discourse afterwards with Mr *Coleman*, in what a posture all things were for the destruction of the Government, and the bringing in Popery, and there wanted nothing but money for the effecting the whole Design. This is that he says.

Langborne. My Lord, I suppose he won't go out of the Court neither.

L. C. J. No, no, he will stay here.

Sir Cr. *Levins*. My Lord, there is one Witness that we had not ready here, when we began to give some account of the General Plot, I pray he may be Examined, his name is *Busf.* (Who was sworn.)

L. C. J. What can you say of any Design upon the King's Life? What is your Name?

Mr. *Busf.* My name is *Thomas Busf.*

L. C. J. What Profession are you of?

Mr. *Busf.* I serve the Duke of *Monmouth*.

L. C. J. In what Capacity do you serve him?

Mr. *Busf.* I am his Cook.

L. C. J. How long have you served him?

Mr. *Busf.* Thirteen Years I have lived with him.

L. C. J. Well, what is it you have to say?

Mr. *Busf.* Being at *Windsor*, my Lord, with an old Acquaintance of mine, one *Handkinson* that was then newly come from *Italy*——

L. C. J. When was this?

Mr. *Busf.* In *September* last, within a Week after the Duke came from *Flanders*, and we were drinking together, for I had not seen him for many Years before, and there was one *Anthony* was in the company, and said he, I am newly come from *Italy*, and I am going again, and I am come to take my leave of my Friends. When do you go away, said I? I believe I go to morrow, said he; but pray, said he to *Anthony*, Have a special care of those four worthy Gentlemen. What Gentlemen, said I? Four worthy Gentlemen, said he, that I brought over with me. What, said I, from *Italy*? No, said he, they are four worthy *Irish* Gentlemen; They are very worthy Persons, said he, have a special care of them, for they will do our business.

L. C. J. What said you to that?

Mr. *Busf.* Nothing, for I knew nothing of it, till I saw *Coleman's* Tryal, where it speaks of the four *Irish* men that were to kill the King at *Windsor*, then I bethought me of it.

L. C. J. Would you not ask him what that business was, or so?

Mr. *Busf.* No, I did not know at that time.

L. C. J. But no man in *England* but would have asked such a Question.

Mr. *Busf.* No he said, they were four Strangers: But, said I, did you bring them out of *Italy*? No, said he, they are four *Irish* Gentlemen that I brought over with me, worthy Persons.

H

L. C. J. *North.*

L. C. J. North. And what Religion was he of that said so?

Mr. Busf. He was a Catholick, one that bought all into a Colledge, that did so here before he went.

Mr. Prance. He belonged to the *Benedictine Monks*, my Lord, in the *Savoy*.

L. C. J. And what was he that he spoke to?

Mr. Busf. He was a Catholick too, he was Servant to one that belongs to the Queens Chappel.

L. C. J. North. Did you understand what the Business was they said they were to do?

Mr. Busf. Not till I read Mr *Coleman's* Tryal, and then I did guess these were the persons that were to have killed the King at *Windsor*.

L. C. J. You saw them not, did you?

Mr. Busf. No, they were in charge of this *Anthony*, that is now in some place in the Queens Chappel.

Mr. Just. Atkins. Did he speak to *Anthony* to have a care of them, or to you?

Mr. Busf. To *Anthony*, he was the person that was to take care of them.

L. C. J. Is *Anthony* a Papist?

Mr. Busf. Yes, a very strong Papist, and we used to be often together; but now he is jealous, and will not come near me to talk with me as we used to do.

L. C. J. Now I understand the reason of it, why he did not ask the Question; it was not likely he should, for it was not spoken to him, but he stood by all the while the discourse was to *Anthony*, another man, and it was to him that he spoke to have a care of the four *Irish* men, for they would do their Business. What did *Anthony* say?

Mr. Busf. He promised he would have as much care of them, as of his own life.

L. C. J. Where is this *Anthony* to be found?

Mr. Bedloe. My Lord, *Anthony* is a *Portuguese*, and the Queens Confessors man.

L. C. J. When did you see him?

Mr. Bedloe. He was seen this morning; they call him Signior *Antonio*.

L. C. J. North. You should have an Order to take this same *Anthony* into Custody, but in order to the finding of him, let him go to my Lord *Offory*.

L. C. J. Mr *Tisser*, we give you an Order for the taking of this Signior *Antonio*, you will find him at *Somerset-house*; for the doing of this, we do advise you to wait upon my Lord *Offory*, and tell him that you have such an Order, but that out of Reverence to the Queen, we have also ordered you to wait upon him, to desire him to send him.

L. C. J. North. What is become of this *Hankinson*?

Mr. Busf. He is abroad beyond the Seas, my Lord, for he said he was come thither to take leave of his Friends, and was to go the next morning into *Surrey*, and so away.

L. C. J. Well, what have you now to say Mr *Langborne*?

Langborne. I conceive this last Witness says nothing to me.

L. C. J. North. He speaks only to the Plot in general, as the first Witnesses did; but that which is upon you, is as to Mr *Oats*, who speaks to every Article of the Indictment expressly; and Mr *Bedloe* says, he did not only see you Transcribe and Copy out that Treasonable Letter, but he carried

ried other Letters to you, which you promised to Transcribe; and these are Overt-acts that make you a Party to the Treason.

L. C. J. Besides your discourse with *Coleman*, after the Letters were Transcribed.

Langhorne. These two Gentlemen were Parties in this supposed Crime, the two Witnesses which do concern me, are *Mr Oats*, and *Mr Bedloe*, and they both of them clearly appear to have been in the same Treason that I suppose they charge me with; I desire to know whether they have had their Pardon or no?

L. C. J. I believe they have. *Mr Oats*, and *Mr Bedloe*, Have you your Pardons?

Mr. Bedloe. Yes, my Lord, I have three.

Dr. Oats. I have two Pardons under the Broad Seal, but I don't know what is in them.

L. C. J. North. But make your Objection how you will, whether they had, or whether they had not, they are Witnesses.

Mr. Bedloe. I never gave any Evidence till I had my Pardon.

Mr. Langhorne. I ask for this reason, I look upon your Lordship and the Court as my Counsel, to advise me in matters of Law, whether these be good Witnesses or not?

L. C. J. We do tell you, that if we had not judged them to be Witnesses, we would not have heard them.

Langhorne. They come under the same reason of Law with an Approver, having had their Pardon; I don't say they are directly Approvers, but I conceive they come under the same reason of Law with them, and then if the Approver be pardoned, by the Law the Appellee ought to be discharged; and methinks by the same reason, these men having been *participes Criminis*, and having got their Pardons, ought not to be such substantial Witnesses against the Prisoner at the Bar. But, my Lord, I have one thing yet further to ask, I desire to know whether they have not received any Rewards, or Gratifications, for the Discovery they have made, and the Service they have done? And whether they do not expect further Rewards?

L. C. J. Is there any Allowance to be made to you?

Dr. Oats. I have received a Reward, by disbursing 6 or 700*l.* out of my Pocket, and I don't know when I shall see it again.

Mr. J. Pemberton. *Mr. Langhorne* does suppose that the Witnesses are corrupted and bribed; Do you think *Mr Langhorne*, that the King will bribe his Witnesses?

Langhorne My Lord, I only propose it as a Question.

L. C. J. Would you answer that Question your self?

L. C. J. North. If you can suppose there was any Subornation or Corruption, call your Witnesses, and prove it; but for their receiving sustenance and maintenance from the King, that is but reasonable, and can be no Objection. And you your self know, that an Approver, while he is in that service, hath a Penny a day, which in ancient Times was a great matter for livelihood and sustenance; so that any Reward that they have, if you can prove it by Contract or Subornation, you cannot make an Objection.

Langhorne. My Lord, I am informed by a Prisoner in the Gaol, that *Mr Bedloe* hath received 500*l.*

L. C. J.

L. C. J. If you can prove any thing do, prove what you can.

Mr. Recorder. That 500 *l.* was about a particular Fact.

L. C. J. But pray what is his Name?

Langborne. His Name is *Mr. Reading.*

L. C. J. North. He is an infamous person, he hath stood in the Pillory, we can't take him for a Witness; but now I'll tell you for the 500 *l.* 'tis a thing we all know of. It was a Reward for a particular business, not relating to the Plot, but it was for the discovery of the Murtherers of Sir *Edmondbury Godfrey.*

Mr. J. Atkins. I think *Mr. Prance* is here, that will give an account of that, for *Bedloe* discovered him.

Mr. Bedloe. I am so far from having any benefit by this discovery, that I am 700 *l.* out of Pocket.

Mr. Just. Ellys. You shall have the liberty to make what good defence you can for your self, and prove what you can, you must not go this way to work.

L. C. J. 'Tis pretty reasonable for us to give a publick satisfaction to all the World, that we do nothing under-hand, but that we do in this Case as in all other Cases; any thing that is fit to be answered, they shall answer, and perchance in this Case something more than can be strictly required of us. 'Tis notorious enough, that *Mr. Oates* and *Mr. Bedloe* have been fed at the King's charge, and it cannot be objected against them, and need not be wink'd at, for they were Parties in the Plot. And when they come to make the Discovery, without which we should never have known the Plot, for you know 'tis hard to discover any Crime, Forgery, or the like, but by one that hath been privy to it, and a guilty person; yet these men always have been, and are in Law Witnesses, and 'tis just they should have a Competency to maintain them, since they came for the Publick Good to make such Discoveries.

L. C. J. North. And that particular Sum of Mony was paid to *Mr. Bedloe*, in pursuance of the King's Proclamation, which we all know, which was all publickly done.

Langborne. The Reason why I press this was, because of the Proclamation, which was to invite Persons to come, touching the discovery of this Plot; and to encourage them to it by a promise of reward. I think it may be reasonable enough, where any person that is charged with a Crime doth absent, to propose a Reward for the bringing him in. But I think it is hard, that when a Prisoner is in Custody, Witnesses should be brought in against him by such means.

L. C. J. North. You do Artificially go off from the Point, Answer the Evidence that hath been given against you, and you shall be heard; but you labor very much, and trouble your self to make Answer to another matter that is not pertinent.

L. C. J. Does your Defence consist wholly of this sort of matter, objecting the incompetency of the Witnesses? Can you make no Answer to the Fact?

Langborne. I must tell your Lordship, My whole Defence must run to disabie the Witnesses, for my Lord I was committed to *Newgate* the 17th of *October*, and I have been kept there a close Prisoner till this day was seven-night, or Friday the last Week, I never conversed with any Friend, or any Relation, nor knew any thing of News, but only with some few persons

sons sent by Authority of the House of Commons or the Council. And I was never examined by any, since I was committed. I never heard what was charged against me, and I could not foresee what their men could testify, because I was not confident whereupon they would proceed; therefore I can have no Defence, unless it be by lessening their Credit, 'tis impossible I should.

L. C. J. Do, lessen it if you can. If you have any Witnesses to take off their Credit, or contradict them, call them.

Mr. Just. Atkins. But I would say one thing to you *Mr. Langborne*; you seem to put a very ill Construction upon the Kings Proclamation, as if it were to invite and encourage persons to come and swear about a Plot, where there was none; it was to invite people to make a further Discovery of a Plot that lay Close, and we could not fully Discover for the preservation of the King and Kingdom without such a means.

Langborne. He did propose a Reward.

Mr. Justice Atkins. Ay in order to a further Discovery of that Plot which we had Evidence of before.

Mr. Just. Pemberton. And so you would be close in all your Accounts, and none should be rewarded that could make us any discovery of them, but presently their Testimony must be gone. 'Tis very fine, but the Court over-rules it.

L. C. J. *Mr. Langborne*, whatsoever you object of this kind does fly in the face, and reflect upon the integrity and wisdom of King, Lords and Commons.

L. C. J. North. For it was done by the advice of all Three.

L. C. J. If you'll go on and prove any thing, but pray don't spend our time to no purpose.

Langborne. Call *Parry* and *Townely*, and *Doddington*, and the rest.

Dr. Oates. My Lord, here are Papists come into the Court with their Swords on.

L. C. J. They will not draw them here.

Lord Mayor. 'Tis well enough, 'tis well enough *Dr. Oates*, you are safe enough here.

L. C. J. Who will you have first?

Langborne. I would have *Hilfly* set up. (Which was done.)

L. C. J. What would you ask him?

Langborne. Your Lordship hath heard *Dr. Oates* affirm he came over such a time in the Pacquet Boat with *Mr. Hilfly*. I desire to know whether that be true or no?

L. C. J. I can help you in that, for we had him and his Companions here yesterday, but however we will hear them again, if you will have them. Do you know *Mr. Oats*?

Hilfly. I do my Lord very well.

L. C. J. When did you come over from *St. Omers*?

Hilfly. I came over the 24th of April, N. S.

L. C. J. Did *Mr. Oats* come with you?

Hilfly. No, he did not.

Dr. Oats. No, my Lord, he did leave me there, but I overtook him at *Calis*.

L. C. J. Look you there now, you did leave him there, but he overtook you at *Calis*. Did you leave him there?

Hilfly. I did leave him there.

L. C. J. Ay, but he overtook you then, did he not?

Hilfly. No, he did not.

I

L. C. J.

L. C. J. He answers as he did yesterday, that he did not come over with him; you lost your money did you not?

Hilfly. Yes, I did.

L. C. J. How did you lose it? Did you lose it at play?

Hilfly. 'Tis no matter how I lost it, I did not lose it at play.

Dr. Oats. I'll tell the Court if your Lordship please how he lost it, he lent a great deal of money to a Gentleman, who went away with his money, and left him to pay the Reckoning.

L. C. J. What say you to that?

Hilfly. That is very true, and I confess it, but what is all this? nothing to the matter, he was told this by some body else, I never saw him, nor ever any man in the Ship saw him come over with me.

L. C. J. I'll tell you what then; first here is something now that you would not confess yesterday, nor indeed would you confess it now, I asked you how you lost your money; you see Mr. *Oats* can tell you how it was, tho' you wont tell us, so that tho' this be a secret, he knows it, and how could he know this secret unless he were there?

Hilfly. There is one that I met by the way that did tell him this Story.

Then one Gifford stood up.

L. C. J. Did you see Mr. *Oats*?

Gifford. Yes, my Lord.

L. C. J. What discourse had you with him concerning *Hilfly*?

Gifford. Why he told us of his departure.

L. J. C. When?

Gifford. After he was gone away.

L. C. J. How long after?

Gifford. Three or four days.

L. C. J. What said he to you?

Gifford. He only told us he was gone.

L. C. J. What else said you of him?

Gifford. He only said he departed out of the Colledge then.

L. C. J. What did you say to Mr. *Oats* about it?

Gifford. I don't remember what I said in particular?

L. C. J. *Hilfly*, call up the other person that you say told Mr. *Oats*.

Hilfly. He is not here my Lord, but here is one that was in the Company when he told it.

L. C. J. Who was by?

Gifford. Mr. *Burnaby*, who came thither the first of *May*.

L. C. J. Harken to me, when you talked with Mr. *Oats* concerning Mr. *Hilfly's* being gone from the Colledge, was there any body by?

Gifford. I cannot tell.

L. C. J. Was Mr. *Burnaby* by when Mr. *Oats* and you talked about Mr. *Hilfly*?

Then another Witness started up.

3d Witness. Yes, my Lord, there was Mr. *Oats* with me, and Mr. *Burnaby* put himself into our Company in the Garden, and he acquainted me with this Story.

L. C. J. What said he?

3d Witness. He said he met this Gentleman, and that this Gentleman was cheated of his money.

L. C. J.

L. C. J. How did he tell you he was cheated ?

3d Witness. I don't know the occasion, but he said a fellow cheated him of the money.

L. C. J. Was that all he said ?

3d Witness. Yes, my Lord, but I do not remember upon what occasion, he said he was cheated by a shirking fellow.

L. C. J. Did he name the place he met him at ?

3d Witness. I don't know my Lord whether he mentioned it or no.

L. C. J. So that Mr. *Oats* names the place which he was never told ; and unless he was there, how could he then tell it ?

3d Witness. But this does not prove that I speak against my Conscience, that does not argue.

L. C. J. Look you, the answer is this Mr. *Langborne*. You would charge Mr. *Oats* with falsity in saying he came over in the *Pacquet-Boat* with *Hilfly*, and you call up him, and he says, he did not come, but he left him at *St. Omers* ; Mr. *Oats* comes and says, 'tis true, he left me there, but I over-took him at *Calis*, by this very token, said he, you were cheated of your money by a person that you lent it to, who went away, and left you to pay the Reckoning. When I asked Mr. *Hilfly* how he could tell if it were true that he was not with him, he answered, he was told it by another ; but when I come to know what that other person said, it was no more than this, he said in Mr. *Oats's* hearing Mr. *Hilfly* was cozened of his money, but did not say how, nor by whom, nor where.

Langborne. Now to prove that what Mr. *Hilfly* said is true, and that therefore Mr. *Oats* his knowledge must come by another hand, I desire that the Witness may be asked how long Mr. *Oats* was at *St. Omers*.

L. C. J. How long was Mr. *Oats* at *St. Omers* ?

3d Witness. From *December* till *June* he was there, except one particular day that he went to *Watton*.

L. C. J. And you saw him almost every day.

3d Witness. Yes, I did.

L. C. J. You have 15 or 16 Witnesses that will say all this ; but yet if you will we will call them.

L. C. J. When went he away, do you know that ?

3d Witness. He went in *June*, I can't certainly say the day.

L. C. J. Well, call another.

3d Witness. Pray, my Lord, let me speak, if your Lordship please to let me give you my Reason, why I might see him ; I saw him in the Refectory ; he had a little Table by himself distinct from the rest, and dining together in a publick place, it was impossible but we should see his place empty, if he were gone, and I know the number of my own School, and can tell whether any one be absent.

L. C. J. What because he sat at a Table by himself therefore you think he was there all the while.

3d Witness. Certainly if I may believe mine own eyes, I saw him there every day.

Lord Ch. Baron. Were you there every day your self ?

3d Witness. Yes, my Lord, I was, I did not miss one day, I had no Infirmary.

Langborne. My Lord, Mr. *Oats* hath affirmed that there was with him when he came over in *April*, Sir *Robert Brett*.

L. C. J.

L. C. J. He says only he believes so, he says positively he came over in the company of Sir John Warner, Sir Thomas Preston, and he thinks also Sir Robert Brett, but is not positive.

Langhorne. This he affirmed both in his Narrative, and upon Oath in the Lords House.

L. C. J. Shew any thing that he was sworn to here.

M. Just. Atkins. But what says this Lad more, let him speak, for he is very full of it.

3d Witness. The first Day of May I saw him in the Garden with a Lay-Brother at Kittle-pins in the view of all the Colledge.

Langhorne. Let us examine him as to persons, and then refer it to the Lords Register.

L. C. J. Why if you will prove something Mr. Oats hath sworn there, that you can contradict, first prove what he swore, and then contradict it.

Mr. Just. Pemberton. Pray take notice you must not go to oppose him in any thing of that Oath, unless he hath sworn it here; whatsoever there be there, except he hath sworn the same here, 'tis in vain to object it, for he cannot be intended to have Witness to make good what he swore there.

Sir Cr. Levins. Let us hear what he does offer.

Langhorne. Under favour Mr. Oats hath acknowledged what he swore there was true.

L. C. J. You are mistaken Mr. Langhorne, indeed when you asked him that Question, he said as far as what concerned what he swore here, was true, and he is bound at this time to answer no more.

Langhorne. Then as to Sir John Warner, I desire my Witnesses may be examined.

L. C. J. I suppose they may be here, and say the same they did yesterday; that he did not stir from his house at Watton all April and May.

4th Witness. Yes, my Lord, he lived there all that while.

L. C. J. What year?

4th Witness. In year 1678.

L. C. J. That is the time that Oats says he came over with him. You saw him almost every day did not you?

4th Witness. Yes, I did, only four days that I was absent, being sent by him to St. Omers at a great Feast.

L. C. J. And when you came back you found him there?

4th Witness. Yes, I did.

L. C. J. You are his Gardner, are you not?

4th Witness. Yes, I am.

L. C. J. Did you stay all those four days at St. Omers?

4th Witness. I was sent to the high Kirk, and carried some Instruments for the Musick, and there I stayed four days, and the last day of April, and the first, and second, and third of May. And I saw Mr. Oats there in the house, and I saw him going into the Refectory to dinner.

L. C. J. He says that Sir John Warner was at home all April and May, that he himself was absent but four days, that he left him there, and when he came back, found him there, and that in the four days he was at St. Omers, he saw Mr. Oats, which was the last of April; the first, second and third of May. You don't know when Mr. Oats went away?

4th Witness.

4th Witness. No, my Lord, not I.

Mr. Just. Pemberton. Was Sir John Warner there all June?

4th Witness. My Lord, I can't tell that, I only speak to April and May.

L. C. J. Those are the two Months that fit him.

Mr. Just. Pemberton. Why how come you not to remember that, as well as the other two, for that is since?

4th Witness. Because I took not so much notice of him in those Times.

L. C. J. How came you to take more special notice of them two Months, than of the other?

4th Witness. Because our Rector did then come into England, and he took the charge of the House upon him in the Rector's absence.

L. C. J. When did he come?

4th Witness. He came the 24th of April.

Mr. Just. Dolben. Pray who is your Rector? What is his Name?

4th Witness. Sir Francis Williams.

L. C. J. Where was Sir John Warner in June and July?

4th Witness. I cannot tell.

Mr. Just. Pemberton. And where was he in August and September?

4th Witness. He went out of Town, but where, I am not certain.

L. C. J. You were Gardener there then.

4th Witness. Yes, I was.

L. C. J. Why can't you as well tell me then where he was in June and July, as in April and May? Answer me plainly.

4th Witness. I think he was there all that time, but I can't be certain.

L. C. J. Why not so certain for those two Months, as you are for the other?

4th Witness. Because I did not take so much notice.

L. C. J. How come you to take more notice of the one, than the other? That he was there in April and May, rather than that he was there in July.

4th Witness. Because the Question, my Lord, that I came for, did not fall upon that time.

L. C. J. Now he hath answered plainly; when I asked the Question, Why he did not take so much notice of those Months, as he did of April and May? He answered me, Because the Question did not fall upon those Months; and that, without all Question, is a plain and an honest Answer.

Mr. Just. Dolben. Indeed he hath forgot his Lesson, you should have given him better Instructions.

L. C. J. Look you Mr Langhorne, If he be to be believed, and that he doth not speak filly, or more than he knows, it is impossible that Oats's Testimony and his can stand together; for he directly affirms he saw Mr Oats the last of April, the 1st, 2^d, and 3^d of May. Now Mr Oats says he was here then; so that these two cannot stand together. The Question then is, Whether he be to be believed? And whether he does not come wilfully, or prepared? the Jury have heard what a kind of testimony he gives, when the Question was asked him, How he came to take notice of the Months of April and May, more than of June and July? And why he was more sure Sir John Warner was there at the one time, than at the other? Why.

said he, because the Question falls upon those former Months, and not upon those of *June* or *July*. Now that does shake all that was said before, and looks as if he came on purpose, and prepared for those Months, and now this, I am afraid, will go through all your *S^t Omers* men.

L. C. J. North. Indeed I doubt it will go a great way, to shake all their Testimony.

Sir Cr. Levins. You Gardener, what do you say was your Rector's name?

4th Witness. *Sir Francis Williams.*

Sir Cr. Levins. And he came over in *April* or *May*, Did he?

4th Witness. He came over the 24th of *April*.

Sir Cr. Levins. Why that is the time that *M^r Oats* came over, and he was one of the persons that he said came over with him.

4th Witness. No, he came alone only with a certain Officer of the College.

Langborne. Pray let *Gifford* be asked the same Question about *Sir John Warner*; for if he did come, as he saith, from *Watton* to *S^t Omers*, at that time he must see him at *S^t Omers*, for he was at *S^t Omers* then. The Question is about *Sir John Warner*, if he were at *Watton*, or *S^t Omers*, then he could not come over with *M^r Oats*.

L. C. J. When did you see *Sir John Warner*?

Gifford. I saw him about *June*, or thereabouts.

L. C. J. Where did you see him?

Gifford. I saw him there in *S^t Omers* House.

L. C. J. When?

Gifford. In *June* or *July*, when he invited me over to *Watton*.

L. C. J. This man does not serve the turn, he does not know the Month upon which the Question runs.

5th Witness. The first day of *May* there was a great Feast, *S^t Fortunatus* and *Gordianus*, and then I saw *M^r Oats* four days, and he was there all the Month of *May*.

L. C. J. Where was *Sir John Warner* then?

5th Witness. I cannot tell, but at *S^t Omers* I saw *M^r Poole*, and *Sir Robert Brett* at that time.

L. C. J. Did *M^r Poole* come over with you?

Dr. Oats. Yes, my Lord, he did.

L. C. J. Witness, when did *M^r Poole* come from *S^t Omers*?

5th Witness. He came first to *S^t Omers* with *M^r Whitebread*, he was my Master of Musick, and he taught me, and it was impossible he should be missing without my knowledge.

L. C. J. But he was gone to *England* long before that; and he could not be at *England* and *S^t Omers*, at the same time.

5th Witness. You say right; he could not.

L. C. J. When came he from *S^t Omers*?

5th Witness. In the Month of *June* or *May*.

L. C. J. Or *April*.

5th Witness. No, it was the Month of *June*.

L. C. J. These are but Collateral Matters, *M^r Langborne*, for you to stand upon this, it spends time to no purpose; but the great Question is, Friend, whether you don't mistake the Month?

5th Witness.

5th Witness. Yes, yes, (*at which the people laugh'd*) no, no, I don't mistake the Month, I only speak the Truth according to my knowledge.

L. C. J. How can you so precisely remember the Month of *May* he was there; for when I asked you when he went away, you could hardly tell the Month.

5th Witness. Yes, my Lord, *Mr Oats* says, in the Month of *May* he was in *England*, but I say I saw *Mr Poole* then at *S^t Omers*.

L. C. J. But the great Question is, Whether you are to be believed? We know you answer the Question positively, but my reason why I fear you are not to be believed, is, because you are so precise, that *Mr Poole* taught you all *May*, but I ask you once more, Was it in *June*, or was it in *May*?

5th Witness. It was about *June*.

L. C. J. *May* is about *June*. Why then you cannot tell. Was it in *June*?

5th Witness. Yes, my Lord, it was; it was about *June*. And this is nothing but what I know, for I actually saw *Mr Oats* there at that time.

L. C. J. I'll tell you what *Mr Langborne*, use your discretion, call whom you will, and we will hear them as long as you will; but we had Sixteen of them yesterday, that did all speak to the same purpose, but in answer to these Sixteen Witnesses, *Mr Oats* did produce, and he will produce again six or seven Witnesses, and one of them a Papist, if not a Priest, who do swear that *Mr Oats* was here in *April* and *May*; I'll tell you beforehand, do you as you will.

Then one Bailie stood up, and being a Foreigner, an Interpreter was called.

L. C. J. Where did you see *Sir John Warner* in *April* and *May*?

Interpreter. He says he saw him actually at *S^t Omers*.

L. C. J. What all the Month of *May*?

Interpreter. Yes, he says he conversed with him all the Month of *May*.

L. C. J. And was he there all *April*, and conversed with him then?

Interpreter. Yes, he says every day of both Months. He says he saw him from the first Sunday in *April*, to the 14th of *May*, and conversed with him.

L. C. J. Where did *Sir John Warner* go the 14th of *May*?

Interpreter. My Lord, he says he went for one day only to *S^t Omers*, and came back again.

L. C. J. Ask him, How he knows this?

Interpreter. He says he was employ'd about a Building by *Sir John Warner*.

Then Carpenter stood up.

L. C. J. When did you see *Mr Oats*, and where?
Carpenter, I speak as to *Sir Thomas Preston*.

L. C. J.

L. C. J. What say you as to *Sir Thomas Preston*?

Carpenter. I saw him at *Liege*.

L. C. J. When?

Carpenter. All the Months of *March, April, May, and June*, he was still there.

L. C. J. When went he away?

Carpenter. In the time of the Vacancies.

L. C. J. When is that?

Carpenter. That is from the beginning of *August*, till the end of *September*.

L. C. J. When came he again?

Carpenter. When they came to School again, and that was in the 2^d or 3^d of *October*.

Mr. Just. Dolben. Were you with him all that time?

Carpenter. Yes, I was. He hath not been in *England* these three Years.

L. C. J. How long have you been there?

Carpenter. I have been there four Years, and I never knew that he was absent, but in the time of the Vacancies.

Mr. Just. Pemberton. Call another Witness.

Then stood up another Witness, who being a Dutch man, and not speaking English, an Interpreter was called for him also.

L. C. J. Well, what comes he for?

Interpreter. He says he comes to testify, That *Sir John Warner* was at *Watton* in *April*; and he says he saw him there, from the 14th of *April*, to the 25th of *April*.

L. C. J. And then to what time?

Interpreter. He says he was there till the 16th of *May*.

Mr. Just. Pemberton. Ask him where he was the beginning of *April*?

Interpreter. He says he was Superior there in the House, and did Govern.

L. C. J. Ask him where he was in the latter end of *May*?

Interpreter. He says he was likewise in the House, save only one day, when he went to *St Omers*.

L. C. J. Then he might have said, in short, he was there all *April* and *May*.

Mr. Just. Pemberton. Call another Witness.

Langborne. Call *John Joseph*.

(Who stood up.)

Mr. Just. Pemberton. What do you ask him, *Mr Langborne*?

Joseph. That which I say is this, That *Sir Thomas Preston* was at *Liege* in *March, April, May, and June*, in the Year 1678.

L. C. J. Did you see him every day in those Months?

Joseph. That I cannot well tell.

L. C. J. Did you see him every other day?

Joseph. Yes, my Lord, I believe I did once in two or three days.

L. C. J. Where was he in *July*?

Joseph. He was at *Liege* too. He was obliged to be so; but in the time of the Vacancies in *August*, he was absent.

L. C. J.

L. C. J. Then you say he was all those Months, *March, April, May, June and July* there.

Joseph. Yes my Lord, those four Months I am sure of it.

L. C. J. What became of him in *August*, when he went, during the Vacancies, abroad? Do you know whither he went?

Sir Cres. Levins. Do you know whether he went into *England*.

Joseph. I never heard that he was in *England*.

L. C. J. When did he return again?

Joseph. When they began School, and that is in the beginning of *October*.

Then another Witness stood up.

L. C. J. Well, what say you?

10th Witness. I can say that Mr. *Oats* never stirred out of the Colledge at that time when he says he came to *England*, that is, he says he came upon Monday the 25th of *April*, but he did not, for that day he went into the Infirmary, and he stayed at *St. Omers* all *April* and *May*.

L. C. J. And how much longer?

10th Witness. A great part of *June*.

L. C. J. Was he there the 20th of *June*?

10th Witness. I am sure he was, but how much longer I cannot tell.

L. C. J. Where was he in *February* and *March*?

10th Witness. He was there too; in *January* he lay out one night, and that was at *Watton*, but I am sure he did not come over the 24th of *April*, N. S. as he says.

Mr. Recorder. Now he says, it is *New Stile*, not *Old Stile*, as he said yesterday.

Then another Witness stood up.

L. C. J. Well, what do you say?

11th Witness. Mr. *Poole* was sick, and I can remember when his Nephew went to him into the Infirmary before he went away from the Colledge, and he gave him good Counsel, as he said, and I remember that Mr. *Brett* was sick at *Watton*, and did come home again on Horseback, and I believe he did not stir out; and Mr. *Poole* was at *St. Omers*, I am sure I saw him once in two or three days all *April* and *May*. He went by the name of *Killingbeck*.

L. C. J. But he does not positively say he saw Sir Robert *Brett* every day there, he says he believes he did.

11th Witness. He came into the School and gave the Boys Questions to dispute of.

Mr. Recorder. Call the rest of your Witnesses.

L

Then

Then another Witness was called and stood up.

L. C. J. North. When did you see Mr. Oats at St. Omers?

12th Witness. I saw him almost every other day from the time he came till he went away.

L. C. J. When was the first time you saw him?

12th Witness. The beginning of December.

L. C. J. Did you see him in April there?

12th Witness. Yes, I saw him in April there at an Action.

L. C. J. And did you see him in May there?

12th Witness. Yes, I can testify I saw him the first day of May in the Garden.

L. C. J. How long staid he there?

12th Witness. Till June.

L. C. J. How came you to take such precise notice?

12th Witness. By his very place I could not but take notice if he were missing.

L. C. J. How can you say you saw him in the Garden the first of May?

12th Witness. I'll tell your Lordship why, because there was a great Feast, and he play'd at Nine-pins in the Garden, and I can tell what they play'd for.

L. C. J. What say you as to Mr Nevil, and Sir Robert Brett's being at St Omers.

12th Witness. I did not take so much notice of Sir Robert Brett, as for Nevil, I think I saw him once in three days.

Mr. Just. Pemberton. And there is nothing said of him here.

Then another Witness stood up.

L. C. J. When did you see Mr Oats first at St Omers?

13th Witness. I first saw him in the Month of December.

L. C. J. Did you see him in April and May?

13th Witness. Yes, my Lord, I did.

L. C. J. Was he there all those Months?

13th Witness. Yes, my Lord, he was.

L. C. J. North. Was he there all the Month of June?

13th Witness. He went away towards the latter end of June.

L. C. J. North. Yesterday you said the latter end of July. Call another Witness.

Then another Witness stood up.

L. C. North. Come you, hear the Question, Did you see Mr Oats at St Omers, in the Month of April?

13th Witness. Yes, my Lord, he was there all the Month of April.

L. C. J. Was he there all the Month of May?

13th Witness.

13th Witness. Yes, my Lord, he was.

Mr. Just. Pemberton. And a good part of June?

13th Witness. Yes, my Lord.

Langborne. What do you say as to Mr. Poole?

13th Witness. I saw Mr. Poole in the Infirmary the third day of May.

L. C. J. North. How came you to take notice of it, so well as to remember it that it was the third of May?

13th Witness. It was a Festival Day. And the Feast we kept was the Invention of the Holy Cross. We had the Action the day before, and some that were in the Infirmary would have it Acted over again to them; and we did so. My Lord, within one or two days after, Mr. Hilsey went away, I discoursed with Mr. Oats about half an hour; he came out within a day or two after out of the Infirmary, and I saw him walking in the Gallery. And again, the 2d of May I saw him walking with one Mr. Burnaby, who arrived the day before, the first of May, and then I saw him the 3d, 4th, and 5th; in this Burnaby's company; I saw him again the 26th of May, with a Band about his head in order to Confirmation, for they always have a Linnen Cloth bound about their head at such a time.

L. C. J. Call another. (Who stood up, his name was Lydcot.)

L. C. J. What can you say?

Lydcot. All that I can say is this, that between the said Month of December, 1677. and June, 1678. which is the time in Question, Mr. Oats was never out of the Colledge above one night, when he went to Watton in January; and this is certain, that from the time that I saw him first, till the time he went away for altogether, there were not two days that passed away wherein I did not see him, except in the Month of March, and when he was in the Infirmary the 24th of April, but then I heard that he was there —

L. C. J. Who did tell you so?

Lydcot. The man that keeps that part of the House; and coming in to my Office after my Recovery out of a Fit of Sicknes a week before Christmas or thereabouts, I saw Mr. Oats by this Circumstance, The Servitors of the House said they were glad to see me, and Mr. Oats being in that Place at the Refectory that was assigned to him, I asked who he was, and they told me such an one, but I had heard of his admision a few days before. Likewise Mr. Oats was there when Mr. Hilsey came for England, which was about the 24th of April, by this Circumstance, that he was present in the Refectory with some of the Scholars. Mr. Richard Burnaby came to the Colledge about a week after Mr. Hilsey went away, and Mr. Oats was actually there then, and we did very much wonder that he became acquainted with him so quickly after his arrival. I say Mr. Oats was actually there when Mr. Killingbeck and Mr. Conquest came for England about the 3d of May, by this Circumstance, that I had some discourse with Mr. Oats, and some others of the Scholars, that Mr. Conquest would by no means get out of his Bed betimes that day he was to go away, being unwilling to leave the Colledge. He was there the 26th of May by this Circumstance, that the Bishop dined there that day, and Mr. Oats was there Confirmed that day. Mr. Oats was there also in June my Lord.

L. C. J. Yes he was there in June, he does not deny it.

Mr. Just. Pemberton. And was he there all May?

Lydcot.

Lydcott. Yes, my Lord, he was, and all *April*, except the time he was in the Infirmary, which was 3 or 4 days.

Langborne. What do you say as to *Poole* and *Nevil*?

Lydcott. They were there all the whole time in question, and they were never absent any competent time to come to *England*, as he says.

L. C. J. North. We must not allow that, you must tell us what time they were there, that we may know it.

Lydcott. They were there in *March*, *April*, *May*, *June* and *July*.

L. C. J. But did you see him every day from the beginning *Christmas* to the time he went away in *June*?

Lydcott. Yes, except the time he was at *Watton*, and when he was in the Infirmary.

Mr. Recorder. But was not *Mr. Oats* twice in the Infirmary?

L. C. J. He was I remember there on *St. Thomas of Canterbury's Day*, and I remember he was there in *April*.

Sir Cr. Levins. I did here you say something of some body that was absent five or six days, was it you?

Lydcott. I was sick in the Month of *March*, and I was in the Infirmary till about the 12 or 14 day.

Sir Cr. Levins. And did you see him there all that time?

Lydcott. I excepted that time, but I heard his voice once in that time in the next Room to the Infirmary, where I was by this Circumstance; He used to come to a Table by himself, and it was near the Door, and *Nevil* and *Poole* were there, as I said before.

Mr. Recorder. He speaks much more to the purpose to day *Mr. Langborne* than he did yesterday.

L. C. J. North. And much louder.

Langborne. I hope your Lordship will take notice that he speaks likewise of the Residence of *Mr. Poole*, *Sir Robert Brett*, and *Mr. Nevil*.

L. C. J. Yes I do. Call another Witness.

(*Who stood up, and being a Foreigner, his Evidence was likewise Interpreted.*)

L. C. J. Ask him what he says.

Interpreter. He says he saw *Mr. Oats*, he was there, and he remembers it, till about the 25 of *June*.

L. C. J. Where did he see him?

Interpreter. He says it was either in the House, or in the Garden.

Lord Chief Just. North. When was that, that he was in the Infirmary?

Interpreter. He says, he was in the Infirmary towards the latter end of *December* or beginning of *January*.

L. C. J. Ask him what he says about *Nevil* and *Poole*.

Interpreter. He says they were there all *June*, and that *Mr. Poole* went away in the Month of *July*; and he further says, that he being a Waterman, he carried this same *Williams* and *March* in his Boat the last Sunday in *April*.

L. C. J. North.

Lord Ch. Just. North. Who is your next, Mr. *Langborn*? let him stand up: (which he did) When did you see Mr. *Oates* at St. *Omers*?

16 Witnes. In the month of *April*, 1678.

Lord Ch. Just. And in *May* too was he?

16 Witnes. Yes, he was.

Lord Ch. Just. Was Mr. *Poole* there all that time?

16 Witnes. Yes, he was, and so was Mr. *Nevil* and Mr. *Bret*.

Lord Ch. Just. Where is *Nevil* now?

16 Witnes. I believe I left him there.

Lord Ch. Just. What are these persons?

16 Witnes. The one is a Prefect, and I believe he is there still. In the month of *May* I made Mr. *Killingbeck* a Sute of Clothes, and Mr. *Oates* came into the Shop, and asked me whose clothes they were? I said Mr. *Killingbecks*: said he, how can that be? they are black: said I, they must be black, for he is in mourning.

Langborn. Here is Mr. *Grove's* Wife and his Maid. *Then Mrs. Grove*

Lord Ch. Just. What question would you ask of her? *stood up.*

Langborn. Mr. *Oates* hath sworn, and given us several circumstances of his coming over, and being here at that which he calls the Consult, and that he lay at Mr. *Groves* three or four nights; I desire she may be asked that question, whether he did so or no?

Lord Ch. Just. Do you know Mr. *Oates*, Mrs. *Grove*?

Grove. No, I never saw him.

Lord Ch. Just. Were there any Lodgers lay at your house in *April* was twelvemonth.

Grove. Yes, my Lord there were.

Lord Ch. Just. Do you use to have Lodgers that you do not know?

Grove. My house was full of Lodgers at that time. I did not know them till they lay there.

Sir Cresw. Levins. Why then, Mr. *Oates* might be there, and you not know him.

Grove. If he lay there, I must needs know him.

Lord Ch. J. Why might not a man lye with any of your Lodgers three or four nights, and you not know him?

Grove. Who should he lye withall my Lord?

Dr. Oates. I had a bed to my self when I lay there.

Lord Ch. Just. Mr. *Oates* describe the Chamber as well as you can.

Dr. Oates. It was a place taken out of another Room, where two men were taken out that were committed to prison.

Lord Ch. Just. Were there any persons taken out of your house, and sent to prison?

Grove. Yes, my Lord, there were.

Lord Ch. Just. In that very Room he lay out of which those persons were taken.

Grove. He did not.

Dr. Oates. Upon my Oath I did lye there 3 or 4 nights more or less.

Sir Cr. Levins. You were in a disguise Sir at that time, were you not, and went by another name, and so the woman might not know you?

Dr. Oates. Yes, I did so.

Lord Ch. Just. You cannot make any great matter of this, she had some Lodgers and she knew them, but he went by a wrong name, and was in a disguise.

Langhorn. Mrs. Grove says, she knew all the Lodgers that then lay there, pray ask her if she did not?

Lord Ch. Just. Do you remember who lodged in your house in *April* was a twelve-month?

Grove. Yes, I do.

Lord Ch. Just. Name them.

Grove. Why, there was one pair of stairs, one Mr. *Strange* by Name, and one Mrs. *Fitzherbert*, and above there lay my Sister.

Lord Ch. Just. What, all the month of *May* and *April*?

Grove. Yes.

Lord Ch. Just. And not in *June*?

Grove. I am not demanded of *June*.

Lord Ch. Just. She answers exactly to them two months, what say you to *March*?

Grove. They were there in *March*.

Lord Ch. Just. Who lay in the Room from whence the men were taken that were carried to prison?

Grove. There was one Master *Crapper*, and another young man that lay with him.

Lord Ch. Just. Why might not that be Mr. *Oates*?

Grove. He was one that was a Prisoner by Mr. *Oates* Order. And Mrs. *Fitzherbert* lay there.

Lord Ch. Just. What, in that Room whence the young men were taken out in *April* or *May*?

Grove. Yes, my Lord.

Lord Ch. Just. Well, what say you to the other months, *March*, and *June* and *July*?

Grove. I was not to be examined further than the two Months I spoke of before.

Lord Ch. Just. Look you, she says, that for *April* and *May* two Gentlemen had the Lodging that Mr. *Oates* says he lay in; but for any other time she was not to be examined: Well, have you any more witnesses?

Langhorn. Here is Mrs. *Grove's* Maid:

[Who stood up.]

Lord Ch. Just. Maid, Can you tell who lay in *Grove's* house in *April* and *May* was twelvemonth?

Maid. Yes, my Lord, I can.

Lord Ch. Just. Who were they?

Maid. There was my Mistress's Brother and Sister lay there.

Mr. Just. Pemberton. Do you know them all? what men lay there?

Maid. None but Master *Strange*, my Lord.

Lord Ch. Just. Mistress *Grove's* said, that her house was full.

Maid. Indeed my Lord, there was her Brother, Mr. *Tork* and his Wife.

Lord Ch. Just. But who is that *Fitzherbert*?

Maid. She is a Gentlewoman.

Lord Ch. Just. Who lay there in *March*? And who lay there in *July*?

Maid. Master *Strange*, and Mistress *Fitzherbert*.

Lord Ch. Just. How long did they lye there?

Maid. In *April*, *May*, *June*, *July* and *August*.

Lord Ch. Just. She says, they lay there in *March*, *April*, *May*, *June*, *July* and *August*, and her Mistress said, they were there but a quarter of a year, only she said she was to be examined no further.

Langhorn. My Lord, I desire to prove a Copy of the Record in the Lords House.

Lord Ch. Just. That is not to be given in Evidence here.

Mr. Recorder. You know how far such a thing will be Evidence, manage your own Evidence well.

Langhorn. It is an Extract out of the Journal of the House of Lords.

Lord

Lord Ch. Just. What particular do you pitch upon ?

Langhorn. About those persons who, he says, came over with him from *St. Omers.*

Lord Ch. Just. North. Do you think it reasonable, that any man should come to answer now all that ever he hath sworn in his life ? If you can shew any Record to contradict what he hath sworn here, shew it. Do you think he can come prepared to justify all he hath sworn in any other place ?

Langhorn. He referred to that himself.

Lord Ch. Just. No, he does not.

Langhorn. But he hath said over and over, that *Sir John Warner* came over with him, *Sir Tho. Preston*, and *Poole*.

Lord Ch. Just. What should you urge that Book for ? Can you make any other proof ?

Langhorn. I would have the persons called that took the Narrative of *Ireland's Tryal*.

Lord Ch. Just. If you have any more Witnesses, call them.

Langhorn. Won't your Lordship allow me to prove by Witnesses what he affirmed in relation to me at another Tryal ?

Lord Ch. Just. By no means, you must not meddle with that.

Langhorn. Pray, my Lord, why not ? I will prove the words spoken by a Witness.

Lord Ch. Just. North. You must not, that is no Evidence against you, nor can it be an Evidence for you.

Langhorn. Then you take off the Defence that I have, and make it as if I had never any.

Mr. Just. Atkins. That is not Evidence in a Civil Cause, and therefore must not be Evidence here.

Then came in my Lord of Castlemain.

Lord Ch. Just. What do you come for, Sir ? What is your Name ?

E. Castlemain. My Name is *Castlemain*.

Lord Ch. Just. Are you my Lord of *Castlemain* ?

E. of Castlemain. Yes, my Lord, I am.

Lord Ch. Just. Does your Lordship come as a Witness for *Mr. Langhorn* ? *Mr. Langhorn*, do you call my Lord of *Castlemain* ?

Langhorn. My Lord, I don't know what he comes for, whether he comes as a Witness for me or not, perhaps he may.

E. of Castlemain. My Lord, I come to wait upon your Lordship and the Court to give you an account, that some of the Witnesses that were summoned here for the Prisoners are so beaten and abused without, that they dare not come to give their Evidence, for fear of being killed.

Lord Ch. Just. That is a thing that is not to be suffered, let us but see any person that dares but offer to meddle with them, and I'll assure you we will take care to see them punished according as they do deserve.

Lord Ch. Just. North. 'Tis a very unjustifiable thing, a thing that we will very severely punish, if they be hindred of free ingress and regress.

Mr. Just. Atkins. Indeed 'tis a very horrid thing that they should be so abused, they ought to have their liberty of coming and giving their Evidence here without any molestation.

E. of Castlemain. I can assure your Lordship, that one of them was so beaten and bruised, that we can't tell but it may cost him his life.

Lord Ch. Just. Nay, we must look to such a thing as that ; for it is by no means to be allowed of. If your Lordship will but tell us who they are,

are, let us but know them, and we will take care for the punishment of them; for we will shew our selves just and fair, and give them all the fair play that can be.

Mr. Just. Pemberton. Mr. Langborn, have you any more Witnesses?

Mr. Langborn. Call the woman that kept the white-horse-Tavern.

[who stood up.]

Lord Ch. Just. To what purpose do you call this Woman?

Langborn. I desire, my Lord, to ask one Question of *Mr. Oates*, touching the Consult at the White-horse-Tavern in the *strand*; How many persons met there?

Dr. Oates. Before that Question be asked, I pray your Lordship would ask her, When she came to the White-horse-Tavern to keep it?

Witness. I don't keep it now.

Lord Ch. Just. When did you keep it?

Witness. I kept it in *June*, and I left it the beginning of *July*.

Dr. Oates. She does not come to the time.

Lord Ch. Just. Did you keep it all the Year before that?

Witness. I kept it seven years before, till *July* last.

Langborn. I would know of him, How many might be there at that time.

L. C. J. What number of persons do you say met at that Consult?

Dr. Oates. That Question, if it please your Lordship hath no reference to this Tryal, neither is it at all material, but because I have given the Prisoners so much freedom, they impose upon me with Questions.

Lord Ch. Just. 'Tis a Question they can't expect a precise Answer to from you; But yet I would have you give them as satisfactory an Answer as you can, what number there might be there at a time.

Dr. Oates. My Lord, I think there might be at the White-horse-Tavern at a time about eighteen or twenty.

Lord Ch. Just. Were they in one Room, or in several Rooms?

Dr. Oates. They were in two or three Rooms.

Witness. Is this *Mr. Oates*, my Lord? *L. C. J.* Yes, that he is.

Witness. I never saw him in my house in my life.

L. C. J. Was there no body never in your Tavern but who you knew? What! can you tell all the people that were ever in your Tavern?

Witness. The most of my Company were people that I knew.

Lord Ch. Just. What is your Company?

Witness. Those that frequented my house.

Lord Ch. Just. Can you say who was in your house *April 24, 1678*?

Witness. No, my Lord, I will not undertake that, but I will give you as true an account as I can.

Langborn. I'll tell you why I ask this Question, *Mr. Oates* did say in his Depositions before the Lords, there met fifty.

Lord Ch. J. At several times in the Day.

Langborn. But this must all be in the morning.

L. C. J. Why so? Suppose there met of that Company twenty in the morning, and then some went away, and others came in their Room, and so they did for divers times in the day, is not this properly said of me, that there might be about fifty at that Consult.

Langborn. He saith in *Coleman's* Tryal there met fifty upon the *24th* of *April*, and afterwards they adjourned into lesser Colloquies.

Dr. Oates. I say they met there the *24th* day, but the Consult was not dissolved till the *26th* day at night.

Lord

Lord Ch. Just. North. You must go only upon what is sworn now. And we ask the Question upon your Proposal, How many were there at a time? and he says about eighteen or twenty at a time. Now if he proves there were eighteen at one time, twenty at another time, and ten at another, that makes about fifty.

Lord Ch. Just. Good woman, is your house a little house?

Witness. 'Tis a small inconsiderable house, there is not a Room in it that will hold above a dozen, I never remembred so great a company was in my house at one time but once in all my seven years, and that was a Jury of the Parish, and they could not be together, but were divided into three Rooms.

Then there stood up a Stranger who was sworn.

Lord Ch. Just. Well, Sir, do you know the *White Horse Tavern* in the Strand?

i Witness. Yes, my Lord, I do very well.

Lord Ch. Just. Do you know the biggest Room in the House?

i Witness. Yes, I do, my Lord.

Lord Ch. Just. How many may dine there?

i Witness. It may be twenty people, I have seen a dozen or sixteen there often.

Lord Ch. Just. Did you know the Tavern a year ago?

i Witness. Yes, my Lord, this was a year ago.

Then a second Witness stood up in the Court, and said, that twenty five or thirty might dine in one Room that was backward, and another that was forward. And a third attested, that he was at a Wedding, and there did dine above twenty in one Room next the Street.

Mr. Recorder. If she make a Jury to be in three Rooms, that is but four in a Room.

Mr. Just. Pemberton. Those Juries are sixteen generally or more.

Langhorn. My Lord, I don't know this Tavern my self; but I thought it very considerable, if they had not a Room that would hold such a number as he spoke of, fifty.

Lord Ch. Just. But you see how unfortunately it happens, the matter had not been much, if it had been proved; but it's very unlucky that these persons should be here in Court by whom the other is contradicted; it had been better it were never medled with. That she should be so peremptory in what standers by know to be false, makes this contradiction in one thing to give a suspicion, that all your Witnesses may be false in all the rest.

Sir Cr. Lewins. Here is a Gentleman of good Quality that saith, there have been fifty in a Room.

Langhorn. My Lord, I hope neither the Court nor the Jury will reflect upon me for this.

Lord Ch. Just. No, it can't do that, but it reflects upon your Evidence, especially this woman.

Langhorn. I have been a Prisoner so long, and I know nothing but what Friends and Relations inform me.

Lord Ch. Just. The thing was reasonably offered, but it proves so unfortunate it will not hold. Have you any more Witnesses to call?

Langhorn. Yes, my Lord.

Lord Ch. Just. I pray call them.

Langhorn. My Lord, I desire I may examine them after the Kings Counsel have done.

Mr. Just. Pemberton. You may say what you will for your defence, but you must examine no new Witnesses then, *Mr. Langhorn.*

Langhorn. I must ask this Gentleman a Question or two, if the Court think fit.

N

Lord

Lord Ch. Just. Propose them to the Court, what is it you would have?

Langborn. My Lord, it is in relation to a matter that happened at *Ireland's* Tryal, I know not whether it be proper, but the Question I would ask, is, whether *Ireland* were here in *August* or no?

Lord Ch. Just. He hath given you no occasion to ask this Question at this Tryal: And is there any reason that we should examine him to such a thing? Do you think it reasonable, or according to Law, that *Mr. Oates* should be examined in your Tryal concerning what he then said of *Ireland's* being here in *August*, or not being here, when 'tis no part of his accusation that he brings against you? Can he be imagined to be prepared for such a Justification, since he does not at all give any Evidence of it here?

L. C. J. North. Since he gave not any occasion or use for such a proof now at this time, 'tis not fit he should be examined about it: Indeed yesterday he gave it in Evidence, because it concerned a circumstance of time that related to the Prisoners then to be tried.

Lord Ch. Just. 'Tis true as my Lord says, That it was yesterday proper, because he gave Evidence that *Fenwick* and *Ireland* were here in *August* together. Now that did some way concern him, but you have no concern at all in it.

Mr. Just. Pember. That brought it in at that time, but this is a foreign matter it cannot be here.

Lord C. J. Have you any more Witnesses, Master *Langborn*?

Langborn. My Lord, *Mr. Oates* hath affirmed, when I asked him touching his receiving a Reward, he said, he had his Reward, for he had been out of purse six or seven hundred pound, and it is my desire to examine a couple of Witnesses touching the probability of that; for he was so very poor before this happened, that it is impossible without a Purse being made for him to lay out six or seven hundred pound.

Lord Ch. Just. Look you, here is the thing, he gives you an Answer to which he was not in the least bound, nor is it to be charged by you; he says he is out 700^l, but that is not any Evidence, nor is the Jury to take notice of it, nor is it to affect him. And would you have him give us an account how he came by that money?

Langborn. My Lord, I'll tell you how far it concerns me, the proving of his Indigency before this thing happened, will concern me thus far,---

Lord Ch. Just. If you should prove this man in an indigent condition, what is that to the present purpose, it goes to no part of the Evidence.

Langborn. My Lord, I ask the Question for this Reason, for certainly if he were so very indigent, it cannot be imagined in probability that any man would trust him with such a great sum, unless it were to give this Evidence.

Lord Ch. Just. If you have any more Witnesses call them, and make an end of them; if not, then you may observe what you will to the Court and Jury after the Kings Council hath done.

Mr. Just. Pemberton. But all your Witnesses you must call now.

Langborn. Doth your Lordship debar me from using this Copy of the Record of the House of Lords?

Lord Ch. Just. To what purpose would you have it read?

Lang. Because *Bedloe* therein says, that he had no person more to charge either in the house or out of the house, than what he then charged.

Lord Ch. Just. What then? *Lang.* I was not one of those persons, then he knew nothing against me.

L. C.

L. C. J. 'Tis but a memorial taken by a Clerk, and do you think that his Omission shall be conclusive to us?

Lang. 'Tis the Journal of the Lords House, my Lord.

L. C. J. North. But can you think that can be used as Evidence here? If you had an *Affidavit* signed by the party, and had witnesses to prove that he did make such an Oath, you say something.

Mr Just. Pembr. You can't read that against his Testimony, you understand that being a Lawyer. If you have any Witnesses call them, but you pick out collateral matters, and spend our time to no purpose.

L. C. J. Really if it were a thing conducing to the point, I would very much stretch; but it being such a kind of thing as this is, he says he had nothing to say against any body else, and I was not named then: what is this to the Fact you are charged with?

Mr J. Pemb. Why, it may be he did not remember it then, will you conclude him that he should never remember it, or speak of it?

L. C. J. You see that now at these Tryals, he says sometimes, this is all I can remember at present, but by and by he recollects himself; would you hinder him from saying then what he remembers?

L. C. J. North. Besides, upon an *Affidavit* or an Answer in Chancery we never allow it, unless we have the party to prove that he took the Oath.

Lang. I desire to know of Mr. *Oates*, whether he did distribute any of these Commissions, and to whom? for he hath said I did.

Dr. Oates. That which I say is this, those Commissions that I named they were distributed, but the persons I do not know; I know the Commissions were for those five persons, and in *July* or *August* he did say he had distributed them, but he said not to whom, only one indeed he sent by his Son to the eldest Son of my Lord *Arundel of Warder* to be Commissary General, and he came back, and said, it was delivered.

Lang. You do not speak of any other?

Dr. Oates. I do not recollect that I know of any other.

Lang. I ask for this reason, because, in the Lords house he hath charged me, that I sent my Lord *Arundel's* Commission, and that I sent it by my Son, and that he saw a Letter in my Chamber of the receipt of it.

Dr. Oates. My Lord, there is some part of the Evidence that does reflect upon the Lords, which I charge not upon Mr. *Langhorn*, because I would not discover my Evidence against the Lords. He goes now to expatiate upon the Informations, but I hope the Court will excuse me, because I reserve it for another Tryal.

Lang. I desire Mr. *Lydcot* may be asked whether he did not hear Master *Oates* at a former Tryal, say, (for so I find it in the Narrative,) (it was at *Coleman's* Tryal) that he came to me the next day after the Consult, and communicated it to me, and that he never saw me afterwards.

Lord Ch. Just. Do you know any Testimony Master *Oates* gave concerning Master *Langhorn*?

Langhorn. You are not the person that took the Tryal, are you?

Lydcot. I know nothing of the business at all, I was at the Tryal, but I cannot particularly speak what was said there.

Langhorn. The Persons that took the Tryal were summoned to be here. Call Mrs. *Bylliard*. (But she appeared not.) Call Mr. *Blayne*.

Lord Ch. Just. Here is Mr. *Blayne*, what would you ask him?

Langhorn. I would know of him what Mr. *Oates* hath testified concerning me?

L. C. J. Do you know what Mr. *Oates* said concerning Mr. *Langhorn*?

Mr. Blayne. When, my Lord?

Lord

L. C. Just. Nay, I can't tell. *Langb.* At *Coleman's* Tryal, Sir.

Mr. Blayney. My Lord, I was present at *Coleman's* Tryal, and I remember *Mr. Oates* did say something about *Mr. Langhorn*, but I have not my Book here, I can't tell what it was.

Langhorn. Here is the Book, Sir, here is the Narrative.

Mr. Blayney. That was not printed by my Copy, Sir.

Langhorn. Who were they that did take it?

Mr. Blayney. Of my own knowledge I don't know whose Copy it was, but by hear-say.

Lord Ch. Just. It was taken as well as it could be taken, but you must not urge that which is but an Historical Narrative against him.

Mr. Just. Pemberton. *Mr. Langhorn*, do you think to convict a Man by an History? To say that a Man is forsworn because he does not swear as that History says he did swear?

Lord Ch. Just. We will do you all the right, and give you all the fair play we can; but we are of opinion that it signifies nothing, that you can make no use of it.

Langhorn. If I can have no light, how can I imagine what they will charge me with?

Lord Ch. Just. Have you in any other Case observed it? If a man be indicted of Felony or Treason, any Capital Crime, he is clapt up, and is not permitted to have a Copy of the Indictment, nor he cannot by Law.

Langhorn. They know something of what they are accused for, they are confronted before a Justice of Peace.

Mr. Just. Pemberton. Why, I'll suppose you had been examined, do you think your Examination would have been Evidence for you here?

Then one Elizabeth Sylliard was called, but affirming, That she durst not speak, unless the Court would promise her protection against the Rabble, because some of the Witnesses had been abused; which the Court not being able to do otherwise than by promising to punish those that offered to meddle with her if she brought them before them, she was, by Mr. Langhorn's Consent, set aside, and not examined.

Langhorn. She comes in relation to a point that happened at *Reading's* Tryal, where *Mr. Bedloe* did depose, That he did not say all he could have said against *Mr. Whitebread*, and *Mr. Fenwick*, but that he knew more against them than he gave in Evidence at their first Tryal.

Mr. Just. Pemberton. What is that to you?

Langhorn. That I take to be a kind of Perjury in him; for they are sworn, To speak the Truth, the whole Truth, and nothing but the Truth.

Lord Ch. Just. Is this material in your Case what he said about *Whitebread* and *Fenwick*?

Langhorn. It makes it material to make him uncreditable.

Lord Ch. Just. *Mr. Whitebread* made that objection, but he was answered; for he was told, That he could not tell all that he knew at that time, because he was in treaty with *Mr. Reading* about the lessening his Evidence against them, and the Lords in the Tower, and the Lords were to judge what measure they should have from him by his kindness to *Whitebread* and *Fenwick*. If you have no more, the Kings Counsel will go on.

Sir Cr. Levins. My Lord and Gentlemen of the Jury, you have heard the Evidence that *Mr. Langhorn* hath given for the making of his defence, which hath been principally to reflect upon *Mr. Oates*; and he first calls *Mr. Hilsly* to prove, that whereas *Mr. Oats* did swear he came over with him, he affirms he did not; but it falls out, that *Mr. Oats* hath counterproved him by such a circumstance as does contradict him in what he says; for speaking of the loss of his money, *Hilsly* said, some body else had told him

of it; but producing his Witnesses for that, he only affirms, that Mr. Oats in his company was told, that Mr. Hilsey had lost his money, but not how nor where; but Mr. Oats gives you a particular circumstance, that he was cheated by a person he lent his money to, and that left him to pay the Reckoning, which Mr. Hilsey does confess was true, and which he could not hear from the others, for the others did never know it. Gentlemen, they have brought you a great many other Witnesses to prove, that Mr. Oates was not in England on the 24th of April, the time he says he was, and they all agree as to that time, tho' as to other times they are not so exact; but we shall give you as plain and as full an Evidence that he was here at that time, as that you are there now, and shall very fully satisfy you in it. For that of Sir John Warner, and Sir Thomas Preston they are matters that were transacted beyond Sea, to be sure they did not come over by those Names, no more did Mr. Oats himself; therefore it would be hard to find out these Persons, or to give you so particular an account of them that were thus in Disguises, and had changed their Names; but truly if that were a matter done in England, it were far more easie for us to confront their Testimony in that; for matters that are done here lye more ready for our proof, than those that are done beyond Sea; for the last woman that he called, which was the woman about the *White Horse Tavern*, her Evidence would have gone as punctually for truth, if it had been a matter done in Flanders, as any thing could be in the world; but it happening to be near home, it hath the ill fortune to meet with a very sudden Answer, which is a manifest proof how they stretch to help themselves, and in my opinion this contradiction overthrows all their Evidence. Gentlemen, we will call our Witnesses, and prove it as plainly as any thing can be in the world, that Mr. Oats was here at that time. First swear *Will. Walker* (which was done.)

Lord Ch. Just. Do you know Mr. Oats?

Mr. Walker. Yes, Sir, I have known him seven or eight years.

Lord Ch. Just. When did you see him in England last year?

Mr. Walker. I saw him the latter end of March 1678, or towards the middle of April following, I saw him then in a disguise, insomuch as that I knowing what he was, and what he had been, I could not a great while recollect the face of the man, and it was a great trouble to me, that having known him so many years, I should not then know him. I went home, but could not recollect my self that night; but before I rose again the next morning, I did recollect my self that it was *Titus Oats*, and I presently turned my self out of my bed, and went to a Gentlewoman whose name I did not then well know, to inquire of her about it. After the Salutation, said I, How does Mr. Oats? said she, knocking her hand upon the Counter, He is an undone man: Why, what is the matter, said I? He is turned, said she, to the Church of Rome: Do you know where he is, said I? No, said she, but he is lurking up and down the Town, and only dares appear in the evenings. Well then, said I, I saw him later than you did; for I saw him between St. Martins-lane and Leicester house yesterday, but he was in a disguise: and I told her what habit he was in.

Lord Ch. Just. What time was that?

Mr. Walker. It was about ten of the clock in the morning.

Lord Ch. Just. But what time of the year was it?

Mr. Walker. It was the latter end of March, or the middle of April.

Mr. Just. Pemberton. It was before the end of April?

Mr. Walker. Ay, ay, my Lord.

L. C. J. And that contradicts all your Witnesses; for they say, that he

was there all *March* and all *April* and all *May*, nay from *December* to *June*.

Langhorn. He hath said the latter end of *March*, or the middle of *April*, I would have him be as certain as he can.

Lord Ch. Just. He cannot be certain; for those things in point of time, you know and all mankind must agree, that a thing done a year ago that was of no greater importance at that time, cannot so easily be remembered, or that he should take such special notice of the critical day. What man in the world does remember or take notice so as to charge himself in what week or what month such an accidental thing as this happened? But to satisfy *Mr. Langhorn* I ask you, Can you speak any more particularly than you have done?

Mr. Walker. Because I would not be mistaken or do any one any wrong, I do rather take an uncertain time than a certain, but I do think it was in the month of *April* and towards the middle of the month, that is all I can say.

Langhorn. But how is he sure, since he is so uncertain in his memory, that this was 1678, and not 1677?

Mr. Walker. Because, my Lord, it was but a little more than a year since, and I am able to judge of the year as well as another.

Lord Ch. Just. Do you remember what you went about?

Mr. Walker. I was wont about that time of year to receive money of my Lord *Thomas Howard*, and upon that Errand I came to Town then.

Lord Ch. Just. But are you sure it was *Mr. Oats* that you saw?

Mr. Walker. Yes, my Lord; for according to my apprehension I did know the face when I first saw it, but I could not recollect who it was till I had refreshed my memory, and the next morning I did so, and then concluded it was he.

Mr. Just. Dolben. How came you hither?

Mr. Walker. I was brought here for a Witness.

Mr. Just. Dolben. Did you discover this to *Mr. Oats*, or did *Mr. Oats* first come to you, to put you in mind of it?

Mr. Walker. I had discoursed with some persons about it a while after the Plot was discovered, and so I suppose it came by accident to him.

Then Mrs. Ives was sworn and stood up.

Lord Ch. Just. Well, Mistress, what say you?

Mrs. Ives. This is the Gentleman that told me this business.

Lord Ch. Just. What did he tell you?

Mrs. Ives. He asked me when I saw *Titus Oats*? I told him I had not seen him a long time, that he was gone beyond Sea: he asked me, if I never saw nor heard from him since? I told him, No; but of late some of his friends had told me, that he was about the Town, and that they had seen him, but they did not know the place where he lodged. Then said he, I have seen him since you; for I was yesterday going into *Leicester-fields*, and going along I saw him, for he was in coloured Cloaths, and very much altered from what he had been,

Lord Ch. Just. When was this? How long was this ago?

Mrs. Ives. It was about the middle of *April* was twelve-month, and I remember it by a very good token; for his Father *Mr. Oats* came then to my house to see me; and that is the first month that our new thin Cheeses come in, and I did then ask him, if he would not come in and eat some new thin Cheese, and when he was come in and sat down eating of Cheese, and drinking a draught of drink, I was a saying to him, Pray, Sir, when did you see your Son? Said he, I have not seen him of late, I heard from him a little while ago, but I have not seen him: Then, said I, I can tell you news of him. Here was such a Gentleman in my Shop that says he met him

him in *Leicester* fields, but in a disguise, and he told me what habit he was in.

Sir Cr. Levins. Set up *Butler*. [Who was sworn.]

Lord Ch. Just. How long have you known *Mr. Oates*?

Butler. I have known him two or three years before he went to Sea.

Lord Ch. Just. When did you see him last year?

Butler. When he came back, he came to my Masters house the beginning of May last was twelve month.

L. C. J. Who is your Master?

Butler. *Sir Rich. Barker*, my Lord.

Lord Ch. Just. What did he come there for?

Butler. He came to enquire for *Doctor Tongue*.

L. C. J. Did you know him?

Butler. Yes, I did.

L. C. J. Are you sure that's he?

Butler. This is the Gentleman.

Lord Ch. Just. And what did he do?

Butler. I was in the Gate about my Coach, and he comes in and asked me if *Dr. Tongue* was within: I told him no; at present I did not know him, because he was in such a disguised habit; I knew him very well before, because he went in such an habit as he does now; but this is the man, and *Titus Oates* is his name. Said I, *Mr. Oates* you are welcome into England again, but he took no notice but went forward into the house, but he made but a little stay there, and came out again; it seems somebody had affronted him, and laughed at him, because he was more like a Shepherd than a Minister: His hair was cut, and he had a gray Coat on, and plain Shooes, and a flogging Hat, and so he went out of the Gate, and would not take any notice of me, or what I said.

Langborn. How does he know it was in 1678, and not 1677? He says it was in the month of May was twelve month.

Butler. I know it by this Circumstance: In February I went down into *Lincolnshire*, and I came up again the same month: *Sir Rich. Barker* was then sick and in the Country, and there he was a great while, and when he came to Town I did acquaint my Master that *Dr. Oates* was there to enquire for *Dr. Tongue* in the strangest habit that ever I saw man in in my life.

Lord Ch. Just. How long after he had been there was it that you did tell your Master?

Butler. It was as soon as my Master came back, as soon as I saw him, it might be a week.

Lord Ch. Just. Was it about a week or a fortnight?

Butler. I do not know exactly.

Mr. Belwood. Then swear *Cicely Mayo*. [Which was done.]

Lord Ch. Just. Do you know Master *Oates*?

Mayo. I never saw his face before that time, nor had I taken notice of him then; but that there was a young man that lived with *Sir Rich. Barker* who had a great acquaintance with him, and seeing him in that Garb, he called me to the window, and said, *Mr. Oates* surely is turn'd Quaker or Jesuite by the change of his habit; no said I, he is no Quaker, for he hath got a Perriwig on.

Lord Ch. Just. Maid, when was this?

Mayo. This was before Whitfontide.

L. C. J. Which Whitfontide? *Mayo.* Whitfontide was twelve month.

Lord Ch. Just. How long before that was it?

Mayo. It was a matter of a fortnight before, as I remember.

Lord Ch. Just. Are you sure you know him now?

Mayo. Yes, this is the man.

L. Ch. Just. North. Did you tell your Master of it?

Mayo.

Mayo. I was not so well acquainted with him as to speak to *Sr. Richard Barker* about it, but the other Servants they told him.

Mr. Belwood. Set up *Philip Page*. (*Who was sworn.*) Do you know *Mr. Oates*?

Page. Yes, my Lord, I have known him these five years.

L. C. J. When did you see him? *Page.* About *May* was twelvemonth.

L. C. J. Where? *Page.* In *Sir Richard Barker's* house.

Lord Ch. Just. Are you sure this was the man?

Page. Yes, I am sure it was he.

Langborn. What time in *May* was it?

Page. About the beginning of *May*.

Lord Ch. Just. And you take it upon your Oath that you saw *Mr. Oates* the beginning of *May* was twelvemonth in *Sir Richard Barker's* house.

Page. Yes, my Lord, I do. *Mr. Just. Atkins.* What is become of the Boy that spoke to the woman about him?

Mayo. He is dead, my Lord.

Sr. Cr. Levins. Then swear *Sir Richard Barker.* (*Which was done.*)

L. C. Just. Do you know *Dr. Oates*, Sir? *Sir Rich. Barker.* I have known him these many years, I have known him from a Child.

L. C. J. Did you see him about a year ago?

Sr. Rich. Barker. My Lord, I did not see him then; I was out of town, but as the Servants tell your Lordship, so they told me, when I came home, that *Mr. Oates* had been there in a strange kind of habit, that he was either turned Quaker, or Jesuite. I did very much admire at it, for I had seen his Father but a little while before, and he told me nothing of it. I had a mind to have given him a Living while he was in our Church.

Lord Ch. Just. When did your Servants tell you they saw him?

Sir Rich. Barker. They told me when I came home, which was in the latter end of *Whitsun-week*, or the beginning, as I remember.

Lord Ch. Just. Was it in *Whitsuntide*?

Sir Rich. Barker. It was about that time; they told me the odd kind of posture he was in, and that young Fellow that they speak of told me several passages of *Mr. Oates.* (*He is now dead.*)

Lord Ch. Just. But when did they speak of it to you?

Sir Rich. Barker. My Lord, when I came home, two or three of them told me of it with great admiration, as they have told your Lordship and the Court; and I said to one of them, *What! did he leave no Message?* They told me he enquired for *Dr. Tonge*, and asked for me, but that was all that they told me.

L. C. J. Come, was it in *May*?

Sir Rich. Barker. Yes, my Lord, it was in *May* was twelvemonth.

Lord Ch. Just. How do you know it was *May* was twelvemonth?

Sir Rich. Barker. It was last year, about the beginning of *May*.

Lord Ch. Just. North. Nay, he tells you this, when you asked him the Question, Whether he knew *Mr. Oates*? Yes, said he, I did know him formerly; and when he was of our Church I did intend to have given him a Benefice.

Langborn. Certainly his change, that is, his becoming a Roman Catholick, could not be a thing so strange that he should intend then to give him a Benefice.

Mr. Just. Atkins. But hark you, Sir, I suppose you remember it by your own Sicknes very well?

Sir Rich. Barker. Yes, my Lord, very well; I had a little distemper upon me, and *Dr. Needham* of the Charter-house came to see me; and I lay sick a matter of six or seven Weeks, and the latter end of my sickness I continued taking of Physick till I came to town.

L. C. J. But you are sure of the year by that? *Sir*

Sir Rich. Barker. Yes, my Lord, and Yesterday I should have acquainted your Lordship and the Court, that there are some persons, not unknown to some of the Bench, if not nearly'd to them, and that is *Sir William Tyrrell's* Family, of *Lincolnshire*, his Grandson, who had been at *Cambridge*, and then came to visit me, though I happened not to be at home, (they being my Wives Relations) and it was before *Whitsontide*, because he came to take the advantage of that Season of the Year: and he had conversed with *Mr. Oates*, but he is not in Town at present; and there are two or three of the University that conversed with *Mr. Oates* at that time.

Mr. Just. Pemberton. Are they here?

Sir Rich. Barker. I only tell it you for a Circumstance.

Sir Cr. Levins. Then sit up *Mr. Clay*, (Who was worn.)

L. Ch. Just. Do you know *Mr. Oates*?

Mr. Clay. Yes, I know him very well.

L. Ch. Just. How long have you known him?

Mr. Clay. Since last *April* was a Twelve month.

L. Ch. Just. Where did you see him then?

Mr. Clay. I saw him at *Mr. Howard's*, my Lord.

L. Ch. Just. What *Howard*? one of my Lord of *Norfolk's* Brothers?

Mr. Clay. Yes, my Lord.

L. Ch. Just. What is his Christian Name?

Mr. Clay. His Name is *Mr. Charles Howard*, my Lord.

L. Ch. Just. Where was it?

Mr. Clay. In his House?

L. Ch. Just. Where was his House?

Mr. Clay. It was part of *Arundel House*, 'tis now made a new Street.

L. Ch. Just. Did you speak with him there?

Mr. Clay. Yes, we saluted one another, and he said, *Your Servant, Sir.* I am sure I saw him there.

L. Ch. Just. How often did you see him in that House?

Mr. Clay. Twice.

L. Ch. Just. In *April* and *May*?

Mr. Clay. Yes, in *April*, and in the beginning of *May*.

Langhorn. I ask you if you do remember any Circumstance of it, to bring this to your Memory?

L. Ch. Just. By what Token do you remember it, that it was *April* and *May*?

Mr. Clay. By this Token, that *Mr. Charles Howard* told me he was one that was come from beyond the Seas, from *St. Omers*, and said he, he had some thoughts of being a Jesuite, but I think I shall deter him from that.

L. Ch. Just. How do you know that it was that Month?

Mr. Clay. It was in the latter end of *April*, and beginning of *May*.

Mr. Just. Dolben. Are you sure it was last year?

Mr. Clay. Yes, I am, it was in the year 1678.

Langhorn. Was it at Dinner, or no?

Mr. Clay. No, no.

Langhorn. Did he dine there that day?

Mr. Clay. I did not see him at Dinner, but I saw him there twice.

L. Ch. Just. Are you a Roman Catholick?

Mr. Clay. Yes, I am of the Church of *Rome*, but not of the Court of *Rome*.

L. Ch. Just. That is no new distinction.

L. Ch. Just. North. No, they have the Court of *Rome* distinct from the Church, and particular Favourites of it, as other Priests have, and there are those that profess themselves of that Religion, that won't acknowledge the exorbitant Power that the Pope claims.

Langhorn. Will your Lordship please to ask him, whether he does remember that Mr. Oates did at that time play with Mr. Howard's Son, and instruct him, and talk to him about his Learning, and put Questions to him.

L. Ch. Just. Did he talk or put any Questions to Mr. Howard's Son about learning his Book? *Mr. Clay.* Not any thing that I heard.

Langhorn. Was Mr. Howard's Son there?

Mr. Clay. No, not in the Room, as I think, I cannot tell certainly, my memory is frail. *Then Mr. Smith was called and sworn.*

L. Ch. Just. How long have you known Dr. Oates?

Mr. Smith. I knew him before the Fire, he was my Scholar at the School where I was Usher.

Mr. Just. Pemberton. What time did you see him last year?

Mr. Smith. The beginning of May.

Mr. Just. Pemberton. How do you know that?

Mr. Smith. He came to see me, and dined with me. *L. Ch. Just.* Where?

Mr. Smith. At Islington, at my house there.

L. Ch. Just. How long was he with you?

Mr. Smith. Three or four hours. *L. Ch. Just.* VVhat time was it?

Mr. Smith. It was, as I take it, the first Monday in May, and I give this reason for my remembrance why it was in May, because we dined by the Fire side, being a little cold, of which we took particular notice.

L. Ch. Just. And you wondered that you should dine by the Fire side in May.

Langhorn. VVas it on a Monday in May?

Mr. Smith. It was on the first Monday in May, to the best of my remembrance.

L. Ch. Just. Was there none of the Family there besides?

Mr. Smith. Yes, there was my Wife there.

L. Ch. Just. Why did you not bring her to testify the same?

Dr. Oates. He cannot find his Wife.

L. Ch. Just. North. How long do you say was he with you?

Dr. Oates. Three or four hours.

L. Ch. Just. What did you talk of?

Mr. Smith. VVe talked about his Travels, about his Journey into Spain, and to Kaledonia, and Sallamanca.

Mr. Just. Pemberton. VVas he in a Priest's Habit, or in another Habit?

Mr. Smith. My Lord, he was in a Cinamon-coloured Suit, trim'd with green Ribbons.

Sir Cr. Levins. We have done with our Evidence, my Lord.

L. Ch. Just. Now, Mr. Langhorn, the King's Council have done with their Witnesses.

Langh. Pray call Mr. Charles Howard and his wife.

L. Ch. Just. I do not think Mr. Charles Howard will appear.

L. Ch. Just. North. I believe he does not think it safe to come here, we know upon what account.

But upon calling, after a while he did appear and stood up.

L. Ch. Just. Well, what have you to say to Mr. Howard?

Langhorn. The Question that I would ask him is this, it hath been affirmed here by Mr. Clay, that old Gentleman, that about the end of April, or beginning of May last was a Twelve-month, he did meet Mr. Oates at Mr. Howard's House; I would know the truth of it.

L. Ch. Just. Mr. Howard, you have heard the Question, do you know Mr. Oates?

Mr. Howard. Yes, my Lord, very well.

L. Ch. Just. How long have you known him?

Mr. Howard. Above two years.

L. Ch. Just. When was he at your house?

Mr. Howard. My Lord, he hath been at Arndel house about two years ago, and several times since.

L. Ch. Just. Was he there about a year ago?

Mr. Howard. Thereabouts he was.

L. Ch. Just. Do you think he was there about May was Twelve-month?

Mr. Howard. My Lord, after July I remember he was there.

L. Ch. Just. Was he there in May?

Mr. Howard. No, my Lord, not to my Remembrance.

Langhorn. Pray, Sir, when did your Son dye?

Mr. Howard. The Fifth of May was two year, 1677.

L. Ch. Just. Why, how does that appear to be any thing in this case; he did not say that *Mr. Howard's* Son was there.

Langhorn. He said he was in the House, but he could not tell whether he was in the Room or no.

L. Ch. Just. You asked him whether he talked any Latin; or asked him any Questions; and he says he cannot tell whether the Son were there in the Room or no.

L. Ch. Just. North. He says, *About two year ago I remember he was at my house, and about a year ago, which contradicts all your Witnesses.*

Langhorn. No, he says, *About two year ago I remember he was there, and about a Twelve month ago, after July, but he cannot remember whether he was here in April and May was a Twelve-month.*

Mr. Howard. *Mr. Oates* was in my Lodging in April 1677, and then my Child was alive, and dined together with him and *Mr. Clay*.

L. Ch. Just. That is two years ago?

Mr. Howard. Yes, my Lord, two years ago *Mr. Oates* was there with *Mr. Clay*, but not since.

L. Ch. Just. Call *Mr. Clay* again to confront him in that.

Dr. Oates. I did not know *Mr. Clay* two years ago.

L. Ch. Just. You are mistaken, I believe, for *Mr. Clay* does pretend that he did but just begin to know *Mr. Oates* in April was a Twelve-month, and so *Oates* swears too.

Mr. Just. Pemberton. And he says he knows nothing whether you had a Child dyed or no.

L. Ch. Just. When was the time that you first knew *Mr. Oates*?

Mr. Clay. The latter end of April last year.

L. Ch. Just. Did you ever know him before that time?

Mr. Clay. I never did.

L. Ch. Just. Do you remember that ever you dined with him?

Mr. Clay. I do not remember the day exactly, and I do not remember that e're I dined with him.

Mr. Just. Pemberton. But he is positive that he did not know him but a year ago.

L. Ch. Just. Do you remember whether *Mr. Howard's* Son was alive?

Mr. Clay. He had a Son alive at that time.

Dr. Oates. He had one Son indeed that dyed a year before *Mr. Clay* and I met there.

Mr. Howard. I speak of my eldest Son, who dyed two years ago.

Mr. Clay. I never knew him.

L. Ch. Just. Well, 'tis plain there was a mistake in it, he spoke of a Son that was then and is now alive, and you speak of your eldest Son that dyed two years ago.

Have you any more Witnesses *Mr. Langhorn*?

Langhorn. No, my Lord, I have no more witnesses.

L. Ch. Just. Well, would you say any thing? If you would, say what you have a mind to say.

Langhorn. My Lord, I am charged here by two Witnesses, the first is *Mr. Oates*; If I can prove any one point (in answer to that which he hath given in Evidence) not to be true, then I conceive, my Lord, he ought to be set aside. And I think it hath been clearly proved, That whereas he said *Sir Tho. Preston* came over with him in April, it hath been clearly proved he was then at *L. Lee*; and whereas he hath affirmed, *Sir John Warner*, *Mr. Poole*, and two or three more that

were

were at *St. Omers* came over with him, I have proved That not to be true beyond any contradiction: Then, as the Witnesses about his own not coming over in *April*, *Mr. Hilfly* says he came not over with him in the *Pacquet-Boat*, and the other says that he was sick in the *Infirmiry* after *Mr. Hilfly* came away: These points being thus proved, I think there can be no credit given to what he says; for I can say, and I know it to be truth, that from *November 1677*, to this very day I never saw him: I have been a close Prisoner so long, and have had but one weeks time to provide, and therefore must be fain to take such Information as my Friends and Relations could pick up, to answer what he hath said in his Narratives, supposing he would have said the same here; therefore I am not able to make any better defence.

L. Ch. Just. Did you never know *Mr. Oates*?

Langhorn, I have seen him once or twice.

L. Ch. Just. When was that?

Langhorn. In *Michaelmas Term, 1677*.

L. Ch. Just. Upon what occasion?

Langhorn. He brought me a Letter from one of my Sons, my younger Son in *Spain*, and then he told me he was going to *St. Omers*: He said he could not be settled in any of the Colleges in *Spain*, and therefore he would go to *S. Omers*; and from that day I never saw him till I saw him in the Court: I hope truly I have well proved that he was not here in *England* when he says he was; but that I must leave to the Jury: But surely these Boys cannot be supposed to have any design, or to be bribed by any Rewards; for I never saw the Face of any of them till now.

L. Ch. Just. North. They are all *Papists*, and speak in a General Cause.

Langhorn. If that be an Objection against them, I think it is hard if they are not to be believed because they are *Papists* and Friends, then the other on the contrary are not to be believed because they are Enemies: I think it is clear that he did not lodge at *Grove's house*, and I think it is clear that he did not come over in the *Pacquet-Boat* with *Mr. Hilfly*, and that *Sir Tho. Preston* did not come over with him, nor *Warner*, nor *Pelle*; and if any of these points be clear for me, I think his Testimony ought to be set aside. Now as to what *Bedloe* says, in truth it is impossible for me to examine any Witnesses, and that I think will be your Lordship's Opinion, it will not seem probable that one that was in my way of practice should become a Clerk to Register Letters, and to keep Accounts of any particular Religious Order, as he makes me to do; or, if I were, that I should admit *Mr. Bedloe* to be privy to those Accounts; but that I must leave to the Court, my Lord, 'tis impossible to prove a Negative: *Mr. Bedloe* is a person that I have no acquaintance with, truly I do not know that ever I saw him before this time in all my life; though it is possible I may have seen him, but I do not know that ever I did: Now that I should admit such a person to such a privacy in Accounts of this nature, (if I were guilty of them) seems very improbable; but yet, as I said, it is impossible to prove a Negative. If I had known what he would have charged upon me before, perhaps I might have made a better defence; and for those Witnesses that I have had, they were prepared by such Friends as thought they would be useful for me. These men have had time to get their Witnesses together: I never saw one of mine till they came into the Court: I hope, my Lord, I shall find no disadvantage in my coming here upon the account of my Religion; for that would seem as if you condemned me merely for that: I disclaim all Principles of disloyalty, and I do assure your Lordship, I do believe it is Damnation to any one that shall go about to kill the King or deprive him of his Government; I shall leave the rest to your Lordship and the Jury.

The Lord Chief Justices Directions to the Jury against Mr. Langhorne,

Lord Chief Just. Look you, Gentlemen; You have had an Accomplish in the first Part of the Evidence in general, That there was a general Designe of bringing in *Popery*; and in order to that, as the best and quickest Means to Accomplish it, to destroy the *King*. And without doubt, they were in the right for that Matter: To destroy the *King*, was the most effectual Course to introduce *Popery* they could take. Whether they would do it or no, is not now any Question; but how much Mr. *Langhorn*, the Prisoner at the Barr, is concerned in it; and that depends upon the Testimony of Witnesses.

The Testimony that Mr. *Oats* gives against him, amounts but to thus much: I cannot affirm (sayes he) that Mr. *Langhorne*, was at the Consult on the Twenty-Fourth of April, at the White-Horse-Tavern, where they signed the Agreement to Destroy the *King*: But this I can say, That the next Day, or within a Day or two, I went by Order from the Fathers; *Whitebread* and *Harcourt*, to *Langhorne's* Chamber, and acquainted him with what they had Agreed upon. And he swears, that Mr. *Langhorne* did lift up his Hands and Eyes, and pray to God to give them good Success. He tells you further, That after some Talk with him about bringing-in of *Popery*, and destroying of the *King*, he had also Discourse concerning several Commissions; that he saw about Seven or Eight of them, and that he told him, he had more: One for my Lord *Belasis* to be General, and one for himself to be Advocate-General, with others; but those (he sayes) he saw, and perused them: And though he does not know of the delivery of those several Commissions, yet he does know of the delivery of one to his Son, to be carryed to my Lord of *Arundel's* eldest Son; And he does say, That Mr. *Langhorn* did tell him, he had sent it; and Swears, that he had some discourse with him concerning Killing the *King*.

Bedlow, he comes and Swears, That he was there Twice, and that he saw him Transcribe Letters; and that the Effect of one of them was, That they were prepared with Armes, and all things but Money. That the Garrisons also were ready to be Delivered up to them, but they staid only for this, and Six Thousand Pounds would do it, which the *Benedictines* were to raise. If that came, then there was nothing wanting. They had an easy *King*, whom they could destroy as they pleased; An Army in Readiness, Everything in Good Posture, and no time like this, to bring in *Popery*: Which Discourse, he sayes, was before Mr. *Coleman*. Here is the Effect then of those Letters which by him were written into a Book, and in which this Plot and this Contrivance was mentioned. These were Transcribed by Mr. *Langhorn* (sayes he) while Mr. *Coleman* and I walked in his Chamber. I saw him write them, and he Swears it.

Now the Matter is this; If these Two Witnesses do Swear True, then is this Indictment of *Treason* highly Proved. For the Contriving To bring in *Popery*, To Levymur, and To Kill the *KING* (which, when he was Acquainted withall, he lift up his Hands and Eyes, and begg'd of God to give it good Success; and which *Bedlow* sayes was the Effect of the Letters that he Transcribed into the Book) Mr. *Langhorn* himself will not deny to

be High Treason: and when this is Sworn here by *Two Witnesses*, he must either Invalidate their *Testimony*, or Acknowledge it *Just*, if you find him Guilty of the Indictment with which he is Charged. Now the Question is, What Defence there is against it?

Mr. Langhorn sayes, If I can Disprove a Witness in any one material thing that he sayes, then will it take off from his Credit in every thing he sayes. And first as to *Mr. Oats*, saith he, I did know him, I must Confess, but I never saw him since the year 1677. The Thing that *Mr. Oats* Charges him with, is in *April* or *May* 1678, or thereabouts; And *Mr. Langhorn* sayes, he never saw him since 77. Why? *Mr. Oats*, saith he, *was not here in England*, and produces a great many Witnesses that came from beyond Sea, to Testifie that *Mr. Oats* was there in *April* and *May*, and longer. And whereas *Mr. Oats* sayes, that there came over in his Company with him, *Sir John Warner*, *Sir Tho. Preston*, *Mr. Pool*, and others. He proves by some Witnesses, that *Mr. Oats* was there both Months; and by others, that *Sir John Warner* was at *Watton*, and *Sir Tho. Preston* at *Leige*, and *Pool* at *St. Omers* at the time that *Mr. Oats* sayes they came over with him: And this sayes he, I hope will be plain Evidence why you should not believe *Mr. Oats*; and the rather, because these Witnesses are such (sayes he as that I do not so much as know their Faces; and you will not presume, that People to whom I am wholly a Stranger, should come hither from *St. Omers*, to testify a Lye for me.

In Answer to this, I say, 'Tis no good Argument for all that; for though I believe they are Strangers to him, they are not Strangers to the Errand they come about. They come to Defend all the *Roman-Catholicks*, whom we would hang here for a Plot; and they are sent over for that purpose, as far as their Testimony can go. How far that is, Though they are not upon their Oaths, (for the Law will not permit it) I must say to you, in favour of the Prisoner at the Bar, as I did to the Jury Yesterday, You must not take it therefore, as if it were mere Talk and no more; nor reject them too much, because they do not Swear: They would Swear ('tis likely) if the Law would allow it. Only one remark I must observe to you upon their own Evidence: The *St. Omers* Gardiner (which is one of them) takes upon him to give a very exact Account of *Mr. Oats*, in the Months of *April* and *May*; but when I came to enquire what he knew of him in the Months of *June* and *July*, he tells you, *Those were not the Months in question*.

But on the other side, Did not the Principles of their Religion so Teach, and make us to know, that they will not stick at any Wickedness, to propagate it: Did not the best and chiefest Doctors of their Church, Preach and Print it: Did not His Holiness, the Pope, allow it; and never condemn any one Book in the World, that hath Asserted the Lawfulness of DEPOSING and KILLING KINGS, for separating from their Religion: Did not they Teach and Practise all sorts of Equivocations, and that a Lye does God good Service, if it be for the Propagation of the Faith: Were not these Young Boys capable of having this Doctrine instill'd into them; and were not they bred up in Colledges chiefly to serve that End, Then *Mr. Langhorn* had said something. Neither are these things Artificially objected against them, for the Doctrines of their Church are so False and Pernitious, so Destructive and so Bloody; and the way they take to come off from all Vows, Oaths, and Sacraments, by Dispensations

riptions before-hand, or Indulgence and Pardons afterwards, is a thing still so much worse, that they are really unfit for Human Society. They should get their *Pope*, if they would not have it thrown into their Dish, and have it believed by us; I say, they should get the *Pope of Rome* to decry and Anathematize such Doctrines of Deposing and Killing Kings, and Discharging Subjects from their Allegiance: But that will never be; for his Holiness, the *Pope*, will keep himself where he is, and will part with Nothing that he hath of Advantage over any.

Look you, Gentlemen, thus much I cannot omit with a good Conscience to say, the Profession, the Doctrines, and the Discipline of the Church of *Rome* is such, that it does take away a great part of the Faith that should be given to these Witnesses; nevertheless we must be fair, and should hear them, if we could not Answer what they alleadge, by Evidence to the contrary. Mr. *Oats* therefore to justify himself, hath produced I think, Seven or Eight Witnesses, that do prove, that he was here in the latter end of *April* and beginning of *May*, which does contradict all their Testimony, who does say he was abroad all along from *December* to *June*, and that they saw him every other Day.

'Tis true, if we were certain that what these Young-men spake, were indeed so as they say, it is impossible for Mr. *Oats's* Testimony to be believed. If I were satisfied that really and truly Mr. *Oats* was not here, but was Six Months together there, and that he hath invented this Story and made this himself; I could no longer confide in the Man, nor find Mr. *Langhorn* Guilty; Yet is not the Time really the substance of the thing, though he hath made it so now, because the *Consult* was the *Twenty Fourth* of *April*, at which he was present: and he did go (he saies) to Mr. *Langhorn* within a Day or two after, to acquaint him with the resolution of it.

To this end hath Mr. *Oats* produced Seven or Eight Witnesses that saw him, as they swear. He hath produced a Minister, that says he saw him in a Disguise, but having known him before, recollected him to be the Man. He hath produced a Woman that agrees with that Story; for she says, that he came and talk'd with her about it, and told her then that he had seen Mr. *Oats* the Day before, and gives you a token why it was about that time of the Year. Now if this be not a new matter, and New found out, this Woman (if she swears true) does justify the other in what he did say a Year ago, when they could never Imagine that any great weight and moment should be laid upon that Accident of his seeing *Oats* in the Street. He hath produced to you the Coach-man of Sir *Richard Barker*, that says he knew him well, when he came to his Masters House. There he call'd him by his name, That asking for Dr. *Tongue*, but not finding him within, he went away presently. That he was in Disguise, That they acquainted their Master with it as soon as he came Home, and their Master says that so they did. And the person that then lived in the House, and now is Dead, said to the Maid: Yonder is Mr. *Oats*, I think he is either Turned *Quaker* or *Priest*, what a kind of Habit is he got into? No said the Maid, he can't be a *Quaker* because he wears a *Perriwig*; but she says, he named him to her, *Oats*, and that this is the man, she knew him since. 'Tis the same man that the Young-man spoke to her about.

Blount

Q 2

He

He hath produced farther one of their own Religion, one that is a Papist still; and he says, he saw him twice at Mr. *Charles Howards*, in *A-rundel* Houle. There was indeed some perplexity, they would have put upon it, by reason of Mr. *Howards* Son being dead a year before; but the VVitness saies he did not know the Son. A Papist he confesses himself expressly to be, if not a Priest; and I would not ask him the Question; because 'tis not fair to make him accuse himself: but he does swear expressly, he saw Mr. *Oats* at Mr. *Charles Howards* in *April*, or *May*, which contradicts all their VVitnesses. He also produces a Schoolmaster, that tells that he dined with him the beginning of *May*: and I remember it (says he) very well, for we dined by the fire-side, which gave me occasion to wonder at it in *May* and remember it. He says moreover, that he stayd Three or Four hours with him, and talk'd of all his Travels in *Spain*. Now must all these people be down-right Perjured; it can be no mistake, but they are all falsly forsworn, if there be not Truth in it. And when here are Seven or Eight Witnesses positively swearing against the affirmation of so many others, we leave the credit of both sides to you, who are the Judges of the Fact.

There is indeed (and I will Repeat it for you, for, I would not miss any thing as near as I can that would make for the Prisoners advantage); there is a proof concerning Sir *John Warner*, and *Preston*, and *Pool*, that they were there at the time, and there hath been no answer given to it: But I say still, 'tis the same thing, for if you do not believe those VVitnesses to speak true, that affirm that *Oats* was there all the time, but rather believe that he was here, by Seven or Eight people that Testify it: I say if you cannot believe he was there, you will never change your mind for one Circumstance, whether he came over with Sir *John Warner* and others, or not; for it is but a Circumstance.

Langhorn, They are not the same VVitnesses.

Lord C. J. 'Tis true, they are not; You have Four or Five VVitnesses that speak apart; but two of them do say, that they knew *Oats* also was there at the same time that they speake that Sir *John Warner* was at home.

Langhorn, Not those two of *Leize* my Lord about Sir *Thomas Preston*.

Lord C. J. No they do not, for I leave it to you of the Jury upon the whole matter; there is little more to be said by me. If so be Credit is to be given to these VVitnesses of *Oats* more than to the others, then you must find him Guilty, and the rather, because I do a little suspect they come over instructed to say what they do. You find they apply themselves to the thing they came for, and not only the Gardiner, but another could tell you (which hath a very great Influence upon me as to their Credit) that the months of *April* and *May* were the months, in question, and they were not to be examined any farther. So that it looks, as if these Young men were sent of an Errand, and though you do not know them Mr. *Langhorn*, and are Innocent as to any tampering with them, yet I am afraid they are come to serve the Catholick Cause as they call it. For, they are very well taught, and they keep to those months of *April* and *May* of all the months in the Year. Then they bring the VVoman of the *White Horse-Tavern*, where the Consult of the twenty fourth of *April* was; and what is the use they would make of her? why it is, that Mr. *Oats* should

should make a story of fifty Fathers being in her Tavern at one time (but he insists now, there was a matter of twenty) when there was not a Room in her House that would hold Ten: But you hear how she was Answered; from Testimony rising up in the Court of themselves that were acquainted with her House, and know, that Forty people may dine in two of her Rooms: And the Kings Counsel observed well, how Chance it self hath put to silence this Evidence. So that when matters are alledged to be done at *home*, there is not so great a difficulty as in proving things that are done *abroad*.

I leave it to you Sirs. Here is a Gentleman that stands at the Bar upon his Life on the one Hand; but if Mr. *Oates* say true, all our Lives, and Liberties, our King and Religion, are at the Stake on the other Hand. God defend that Innocent Blood should be shed, and God defend us also from Popery, and from all popish Plots, and from all the bloody Principles of Papists, which are very Cruel as we know by experience; and you cannot blame us to look to our selves. For I must tell you, the Plot is proved as plain as the Day, and that by *Oats*; and farther, *Oats* Testimony is confirm'd by that which can never be Answered. For when he comes at his first Testimony and says that upon the twenty fourth of *April* such a Consult was summoned & held, it falls out that five days after a Letter is found amongst *Harcourts* papers, (a principal Person in the Design), which does order the meeting upon the twenty fourth of *April*, being the day after *St. Georges* Feast, and gives them a Caution that they should not come too soon to Town; That they should not appear too much in *London* for fear of discovering the *Design*, and of disclosing *that, the nature of which requires Secrecy*. Plainer than this is hardly to be writ from a Jesuit, Especially in so dangerous a matter. And what can be answered to this Letter that is found in a Priests Hand four days after Mr. *Oates* had given in his Information about it?

Put all this together, and if you be satisfi'd herein, you may judge the better, as to the particular business of Mr. *Langhorn*, how far the Testimony of *Oates* and *Bedlow* affect him. You know what you do. And for *Bedlow* 'tis true what he says, that there is nothing to be said to his Evidence, because no man can prove a Negative; and he swears expressly that he had this Discourse with him of these Treasonable matters, Killing the King, and Altering Religion. If this be so, and you are satisfi'd in that particular (and that a man may very well be as to the substance), I do not see any considerable Answer that is given. I say once more, there is the life of a Gentleman at stake, and there are all our Lives at the Stake: Follow you your Consciences; Do Wisely, do Honestly, and consider what is to be done.

Lord Chief Ju. North. With my Lords Leave, Because there hath been mention made of this Letter which goes much in Confirmation of Mr. *Oats* Testimony; It is in Court, but it hath not been produc'd at the Bar, I desire it may, if your Lordship please.

Sr. C. Lev. It is here in Court my Lord, we will give your Lordship an account how we came by it. Swear *Sr. Thomas Doleman*.
(which was done.)

Sr. C. Lev. Sr. Thomas; Did you find the Paper amongst Mr. *Harcourt's* Papers?

Sr. *Thomas Doleman*. I found this Letter among the Papers of Mr. *Harcourt* that were committed to my search.

L. C. J. VWhen did you find it Sir?

Sir *Thomas Doleman*. It was some five or six days after Mr. *Oats* had given in his information to the King and Council.

L. C. J. Do you mark it Gentlemen? After Mr. *Oats* had told the Council of the Consult in the twenty fourth of April, is this Letter found.

L. C. J. North. 'Tis in Confirmation of Mr. *Oats's* Testimony.

Then the Letter was Read, being the same with that in Page 37. In the Tryal of Whitebread, Harcourt, &c.

L. C. J. This Letter is only as to the Plot in General, and not to be applyed to Mr. *Langhorn* in particular.

Langhorn. Mr. *Oats* might very well be able to speak of this meeting, of this Congregation as they call it, before this Letter was taken, 'tis easy to believe, because Mr. *Oats* being at Saint *Omers*, I suppose the like Letters of Summons might come over to Saint *Omers*, to fetch some of them over hither.

L. C. J. You say well, but if you have but the Luck to give me an Answer, to a thing or two, you'll have better fortune, and more skill than the *Priests*. 'Tis true, he might perchance know of the Consult, if he were at Saint *Omers*: But will you tell us what that Design was? And what is the meaning of the putting those words into the Letter, *That they should not come too soon to London, nor appear too much about Town, for fear of discovering that Design*, which they knew required Secrecy in its own Nature?

Langhorn. My Lord, I will tell you, what I take to be the meaning of that Letter. The Design was the holding of a Congregation: There were diverse of them, and it was like the meeting of a Dean and Chapter in a Colledge, and he bids them not to come too long before the time, for they were certainly in very great danger to be taken.

L. C. J. What! At that time? What Danger were they in then?

Langhorn. Yes, my Lord, the Parliament was then sitting.

L. C. J. But you know what Indulgence there was to all *Papists* at that time, if they would be but quiet. VVell, but put it altogether, they were to come to London, not too soon, nor to appear too much, because the Parliament was sitting, for fear of Discovering the Design. What, was that only for Mr. *Whitebread*, and his fellows, to make an Officer! Can it be answered by that?

Langhorn. Certainly their holding of a Congregation in England, does require secrecy.

L. C. J. Gentlemen! Here is the thing, This is only an Evidence to the Plot in general, that there is a Plot, and you may make what reasonable use you think fit of it. It is not a Particular Evidence against Mr. *Langhorn's* particular Person, Only it shews there was a Plot, and you have heard what they say to him in particular about it. And Ple tell you one thing more, which if *Oats* swears true, concerns you very much. He saith they were a talking of the Ten Thousand Pounds that Sir *George Wakeman* was to have for Poysoning the King when their other attempts had failed, and that he would not take under Fifteen Thousand Pound. You Mr. *Langhorn*, was very angry, and said it was a base covetous thing in him; and it being such a publick Cause,

it would have been no matter if he had done it for Nothing. I have repeated as much as I can well remember without any prejudice to Mr. Langhorns Testimony. And so I leave it with you.

Then an Officer was Sworn to keep the Jury, who withdrew to consider of their Verdict; and the Judges also went off from the Bench. The Lord Chief Justice telling the Auditory, that the day being so far spent, and the Commission determining that night, because of the Term, Sir George Wakeman and the rest could not be Tried till next Sessions. And after a short space, the Jury returned, and answering to their Names, delivered in their Verdict.

Clerk of Crown. Gentlemen, Are you all Agreed of your Verdict?

Ommes. Yes.

Cl. of Crown. Who shall say for you?

Ommes. Foreman.

Cl. of Cr. Richard Langhorn, hold up thy Hand, Look upon the Prisoner: You of the Jury, How say you? Is he Guilty of the High-Treason whereof he stands Indicted, or Not Guilty?

Foreman. Guilty.

Cl. of Cr. What Goods or Chattels?

Foreman. None to our Knowledge.

Cl. of Cr. Hearken to the Verdict as the Court hath Recorded it: You say that Richard Langhorn is Guilty of the High Treason whereof he stands Indicted: But you say that he had no Goods or Chattels, Lands or Tenements, at the time of the High Treason committed, or at any time since to your Knowledge. And so you say all.

Ommes. Yes.

Mr. Recorder. It is a Verdict according to the Justice of the Evidence.
Upon which there was a very great Shout.

Then Mr. Recorder sent for the Prisoners Convicted before, to receive their Judgment; and they were brought to the Bar, and the Court proceeded thus:

Cl. of Crown. Richard Langhorn hold up thy Hand. Thou standest Convicted of High Treason: What canst thou say for thy self, why the Court should not give Judgment on thee to Dye, according to Law?

Langhorne. I have nothing to say.

Cl. of Cr. Thomas white, otherwise Whitebread, hold up thy Hand; Thou standest Convicted in Middlesex of High-Treason: What canst thou say for thy self, why the Court should not give Judgment on thee to Dye, according to Law?

Whitebread. I can say nothing.

Cl. of Cr. John Fennick, hold up thy Hand: Thou art in the same Case with him that went last before thee; VVhat canst thou say, &c?

Fennick. I have nothing more to say.

Cl. of Cr. William Harcourt, hold up thy Hand: Thou art in the same Case with the two that went last before thee; VVhat canst thou say, &c?

Harcourt. I have nothing at all to say.
Cl. of Cr. John Gaven, hold up thy Hand: Thou art in the same Case with the Three that went last before thee; VVhat canst thou say, &c.

Gaven. I have nothing more to say than I did say. God bless the King, and the Kingdom!

Cl. of Cr. Anthony Turner, hold up thy hand: Thou art in the same Case with the Four that went last before thee; VVhat canst thou say, &c.

Turner. I have nothing to say.

Cl. of Cr. Then Cryer make Proclamation of Silence while Judgment is given, upon pain of Imprisonment.

which was done on both sides the Court.

Then Mr. Recorder gave the Judgment thus :

Mr. Recorder. You, the Prisoners at the Bar: You have been severally Arraigned, and now are severally Convicted of High Treason. And that attended with all the ill Circumstances, that can be possible to aggravate so High a Crime: You attempted the Life of the best of Kings; who was full of Mercy and Compassion even to You, under whom you might still have lived peaceably and quietly, had not your own Malice and Mischiefs prevented it. Nor were you satisfied with that alone; for you intended thereby to make way for the Destruction of the greatest Part of the Kingdom, by a Publick Massacre, by Cutting the Throats of all *Protestants*; for that also appears to be your Designe: To effect which, the nearest way, and the best Means you could think of, was first to Kill the King. And this was to be done, for the introducing of another Religion, as you call it; which, as we think, we more properly call Superstition; and so root out the best Religion that is Established amongst us by Law. And I therefore call it the Best of Religions, even for your sakes; for had it not been for the sake of our Religion, that teaches us not to make such Requitals, as yours seems to teach you, you had not had that fair formal way of Tryal, and of being Heard, as you now have been; but Murder would have been returned to you, for the Murder you intended to commit both upon the King, and most of his People. What a strange sort of Religion is that, whose Doctrine seems to allow them to be the greatest Saints in another VVorld, that can be the most Impudent Sinners in This? Murder, and the Blackest of Crimes here, are the best Means among you, to get a Man to be Canonized a Saint hereafter. Is it not strange, that Men Professed in Religion, that use all Endeavours to gain Profelytes for Heaven, should so pervert the Scripture, (as I perceive, some of you have done) and make that Justify your Impious Designes of Assassinating Kings, and Murdering their Subjects? VVhat can be said to such a Sort of People, the very Foundation of whose Religion is laid in Blood? Nay, lest you should not be able so easily to perswade them so cleverly to imbibe those Bloody Principles, you do Absolve them from all the Obligations that they remain under, of Obedience to their Sovereign; You do therefore from the Pulpits publicly teach, That the Oaths of Allegiance and Supremacy, signify nothing. It's a strange Religion, that

that applies every thing to these wicked and detestable Purposes.

There is one Gentleman that stands at the Bar, whom I am very sorry to see with all my Heart in this Condition, because of some Acquaintance I have had with him heretofore: To see a Man who hath Understanding in the Law, and who hath arrived to so great an Eminency in that Profession, as that Gentleman hath done, should not remember, that 'tis not only against the Rules of all Christianity, but even against the Rules of his Profession, to Attempt any Injury against the Person of the King. He knows, that it is against all the Rules of Law, to endeavour to introduce any Foreign Power into this Land. So that, you sinned both against your Conscience, and your own certain Knowledge. But your several Crimes have been so fully Proved against you, that truly, I think no Person that stands by, can be in any doubt of the Guilt: Nor is there the least room for the most Scrupulous Man to doubt of the Credibility of the Witnesses, that have been Examined against You: And sure I am, You have been fully Heard, and stand fairly Convicted of those Crimes you have been Indicted for.

I rather mention these things to you, because I know not whether you will think it necessary to have any Assistance, (I mean, such Assistance as by the Law of the Land, is to be allowed to Persons in your Condition, of any Protestant Divines, or of any other Protestants) to prepare you for another World. And though what hath been said proceeds from a Lay-man, to you that are Professed in Religion; yet I hope, it will not be thought amiss, it being intended for your Advantage. Let that vast Eternity, that you are ere long to enter into, you are now on the Brink of it; I say, let that prevail with you to consider, that there is a God in Heaven, who will call you to an Account for every one of those Private Consultations, of which we can never come to any certain Knowledge. Though you have put all those Obligations of Secresy, upon your Party, which Religion could tye them by: Though you give them the Sacrament, not only to oblige them to do wicked Acts, but to conceal them when they are done; Yet remember, there is a God in Heaven, from whom you cannot keep them Secret. All your Tyes and Obligations, all the Dispensations that you can give to your Inferiors, or your Superiors to you, will never dispense with that Accompt you are to give to the great God of Heaven.

Gentlemen, with great Charity to your immortal Souls, I desire you for the Love of God, and in the Name of his Son Jesus Christ, Consider these things; For, it will not be long ere you be Summon'd before another Tribunal about them: And great and dreadful is the Day of Judgment, at which you and all Men must appear.

And I hope all persons that stand by, will take notice, that it is not the Principles of the Protestant Religion to Murder any (let it be upon their own Heads that profess it) for we abhor these things. And we hope these publick Testimonies of our Religion, and this fair sort of Tryal, will not only Confirm those that are Protestants now, but will prevail upon those whom they have Inveigled into their Perswasion, to desert such a Religion, till such time as they alter their Principles, from the bloodiness and inhumanity they are stained with, and which these Men have instilled into all their Proselytes. And this I thought fit to premise to you in great

Compassion and Charity. And I pray God it may have that effect, which I designed ; that is, that it may put you in mind of that great immortality that you are to enter upon ere long. And thus having given you this hint, and the Law having had its Course upon you, you have been fairly tryed, fully heard, and have nothing to say why that Judgment should not be pronounced, which the Law hath designed against such Offenders: I am therefore in the Name of the Court to do the Duty which the Law requires of the Court ; and I do in the Name of the Court pronounce this to be your Sentence.

That you be Conveyed from Hence to the Place from whence you came ; and from thence you be drawn to the place of Execution upon Hurdles, that you be there severally hang'd by the Neck, that you be Cut down alive, that your Privy Members be cut off, that your Bowels be taken out and burnt in your view, that your Heads be sever'd from your Bodies, that your Bodies be divided into four Quarters, and your Quarters to be at the King's Dispose.

And the God of Infinit Mercy, be Merciful to your Souls.

After which there was a very great Acclamation.

whitebread. My Lord, since we have not long to Live, we desire we may have the benefit of the Company of our Freinds, that they may be permitted to come at us.

Mr. Recorder. Yea 'tis fit they should have the Comfort of their Friends and Relations ; and God forbid, but we should do all we can to make their Passage as Comfortable as may be. You must keep that Decorum that becomes such as are in your Condition. You know you are under the publick notice of the World, therefore you must use the Liberty that is granted to you with that Moderation and Prudence, that 'tis fit to use such a Priviledge with ; for, I shall not deny you any lawful Favor.

Langhorn. Sir, There will be more people come to me than Ordinary, in regard of their business that I have had in my hands ; I desire they may have the liberty to come to me.

Mr. Recorder. I would not deny *Mr. Langhorn* any thing that I could grant him: If it be any business that any person would have an accompt of which you have been Concern'd in for them, they may be permitted to come to you.

Cap. Richardson. There is no body to be in private with him, to say any thing but what I shall hear?

Langhorn. Yes, my Lord, I hope my Wife and Children may.

Mr. Recorder. Yes, God forbid but he should have his Wife and Children with him.

Langhorn. Or any others that come about business.

Mr. Recorder. Yes Captain, with the Caution I have given you.

Then the Court Adjourned for London, to Guild-Hall the Fourteenth of July ; and for London and Middlesex in the Old Bayley, the Sixteenth of July next : And the Prisoners were carryed back to the Goal.

F I N I S ;



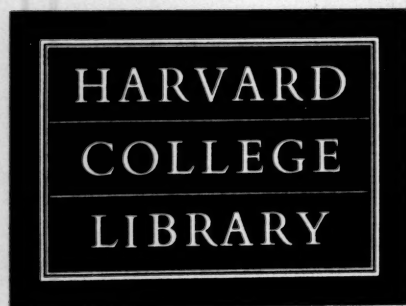
Advertisement.



Hereas there hath been Printed, several False Copies of Speeches, pretended to be spoken by the Five *Priests* and *Jesuits*, lately Executed at *Tyburn* for *High-Treason* :

These are to Certify, that their *True Speeches*, with considerable *Animadversions* upon them; together with other Material Evidences relating to them, and Mr. *Ireland*, &c. Discovered since their *Executions*, will be speedily Published, through Permission of *Authority*; and Printed for the same Persons that this *Trial* is Printed for.





HARVARD
COLLEGE
LIBRARY

81
THE

599.

TRYALL

OF

Richard Langhorn Esq;

COUNSELLOR at LAW:

FOR

Conspiring the Death

OF THE

KING,

Subversion of the Government,

AND

Protestant Religion.

Who upon Full Evidence was found Guilty of

HIGH TREASON,

And received Sentence accordingly, at the Sessions in the *Old-Bayley*, holden for *London* and *Middlesex*, on *Saturday*, being the *14th.* of *June* 1679. .

Published by Authority.

L O N D O N,

Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*,
T. Cockeril, and *T. Simmons.* 1679.

TRIAL

MAY 2 1913
SOUTHERN
ENGLISH HISTORICAL SOCIETY

Richard L. Harrison

COUNSELLOR AT LAW

Complaining the Death

OF

K I N G

Subscribed of the Government

Protestant Religion

100 copies of this work

WILLIAM T. HARRISON

Author of "The History of the Protestant Religion in England"

Published by the Southern English Historical Society

Price 10 Cents

(1)

THE T R Y A L O F RICHARD LANGHORN, Esq;

Upon Saturday the 14th. of June, 1679. at the Sessions in the Old-Bayley, London, the Court (according to their adjournment the preceeding day) met and proceeded to the Trial of Richard Langhorn, Esq; in this manner.

Et Richard Langhorn to the Bar.
Cl. of Cr. **S** Richard Langhorn, hold up thy hand, which he did,

Thou standest Indicted in London, by the name of Richard Langhorn late of London, Esq;

For that you Rich. Langhorn the elder, as a false Traitor of the most Illustrious Serene and Excellent Prince Charles the Second, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, your Supream and Natural Lord, not having the fear of God in your heart, nor weighing the duty of your Allegiance, but being moved and seduced by the instigation of the Devil, the Cordial love and true due and natural obedience, which true and faithful Subjects of our said Sovereign Lord the King, towards him do and ought to bear, altogether withdrawing, and devising, and with all your strength intending the Peace and common Tranquility of this Kingdom to disturb, and the true Worship of God within this Kingdom used, and by Law Established, to overthrow, and Sedition and Rebellion within this Kingdom to stir up and procure, and the true love duty and obedience, which true and faithful Subjects of our said Lord the King, towards him do and of right ought to bear; to withdraw, relinquish and extinguish, on the 30th. day of September, in the 30th. year of his Majesties Reign at London, in the Parish of St. Dunstons in the West, in the Ward of Faringdon without London aforesaid, Falsly, Maliciously, Subtily, and Traiterously, with many other false Traitors of our Sovereign Lord the King unknown, did Purpose, Compass, Imagine, Intend, Consult, and Agree, to stir up Sedition, and Rebellion within this Kingdom of England, against our said Sovereign Lord the King, and a miserable slaughter amongst the Subjects of our said Lord the King, of his Kingdom of England, to procure and cause, and our said Sovereign Lord
B the

the King from his Kingly State, Title, Power, and Government of his Kingdom of England, totally to deprive, depose, and disinherit, and our said Sovereign Lord the King to death and final destruction to bring and put, and the Government of this Kingdom to subvert and change, and the true Worship of God in this Kingdom by Law Established and used, to alter, and the State of this Kingdom in all the parts thereof well instituted, totally to subvert and destroy, and War within this Kingdom of England to procure and levy, and the same most wicked Treasons, Traiterous imaginations, purposes, compassings, and agreements aforesaid, and to perfect and fulfil: He the said Richard Langhorn afterwards, to wit, the 30th. day of September, in the 30th. year aforesaid, and diverse other times before at London, &c. Falsly, Advisedly, Maliciously, Subtily, and Traiterously, did Compass, Contrive, and Write two Letters, to be sent to certain Persons unknown at Rome, and at St. Omers, in parts beyond the Seas, to procure the adherance, aid, and assistance of the Pope, and of the French King, and others, to him the said Richard Langhorn, and other false Traitors unknown; the true Worship of God within this Kingdom of England, by Law established and used, to the Superstition of the Church of Rome to alter, and the Government of this Kingdom of England to subvert, and our said Sovereign Lord the King to death and final destruction to bring and put, and that he the said Richard Langhorn, in further prosecution of the said Treason, Traiterous imaginations, intentions, and agreements aforesaid, on the day and year aforesaid, and the said other days and times before at London, &c. did Compass, Contrive, and Write 2 other Letters to be sent to Rome, in parts beyond the Seas, to one Christopher Anderton, then Rector of the English Colledge at Rome aforesaid, and two other Letters to be sent to St. Omers, in parts beyond the Seas, to diverse Persons unknown there residing, and by the said respective Letters Traiterously he did advise the said Pope, and Christopher Anderton, and other Persons unknown residing beyond the Seas, of the ways and manner to be taken for accomplishing the said most wicked Treasons, for altering the true Worship of God in this Kingdom Established and used, to the Superstition of the Church of Rome, and for subverting the Government of this Kingdom, and for the death and destruction of our said Lord the King, and to the intent that the said Christopher Anderton, and others unknown, should give their aid, assistance, and adherance, and should procure other aid, assistance, and adherance, to him the said Richard Langhorn, and other false Traitors unknown, to alter the true Worship of God aforesaid, to the Superstition of the Church of Rome, and to subvert the Government of this Kingdom of England, and to put our said Sovereign Lord the King to death, and that he the said Richard Langhorn afterwards, to wit the day and year aforesaid at London, &c. Traiterously did deliver the Letters aforesaid, to be sent to the said Christopher Anderton, and others, Persons beyond the Seas, to perfect the traiterous purposes aforesaid, and that he the said Richard Langhorn, further to fulfil and accomplish the same most wicked Treasons, traiterous imaginations, purposes, and compassings aforesaid, afterwards the said 30th. day of September, in the 30th. year aforesaid at London, &c. five Commissions in Writing, made by Authority derived from the See of Rome, for constituting Military Officers, for leading the Forces to be levied in this Kingdom against our said Sovereign Lord the King, for the altering the Protestant reformed Religion, to the use and Superstition of the Church of Rome, and for Subverting the Government of
this

(3)

this Kingdom of England, Traiterously he did receive, and Five other Commissions in writing made by Authority derived from the See of Rome, for constituting Civil Officers for Governing this Kingdom after the most wicked Treasons and Traiterous imaginations, purposes and compassings aforesaid were fulfilled and accomplished, then and there Traiterously he did receive. And that be the said Richard Langhorn, afterwards, to wit, the day and year aforesaid at London, &c. The said several Commissions so received, to divers false Traitors of our Sovereign Lord the King, unknown, falsly, knowingly, and Traiterously, did distribute, give and dispose for Constituting Officers; as well Military as Civil, to the Traiterous purposes aforesaid. And that be the said Richard Langhorn, afterwards on the day and year aforesaid, at London, &c. a Commission to Constitute and Authorise him to be Advocate General of the Army, to be Levied in this Kingdom, to war against our said Sovereign Lord the King, Falsly, Traiterously, and against the duty of his Allegiance, from a certain Person unknown, did receive and had; and the same Commission then and there falsly, advisedly, and Traiterously, did inspect and read, and in his custody keep; and to the same Commission Traiterously did give his consent, to the intent that be the said Richard Langhorn, should have and Execute the Place and Office of Advocate General of the Army aforesaid, after the Army aforesaid should be rais'd against our said Sovereign Lord the King, by him the said Richard Langhorn, and other false Traitors unknown, in Execution of the said Traiterous Compassings, Imaginations, and Agreements aforesaid. And that whereas William Ireland, John Grove, and Thomas Pickering, and other false Traitors of our Sovereign Lord the King, unknown, on the 24th day of April, in the 30th Year aforesaid, in the County of Middlesex, did Consult to bring and put our said Sovereign Lord the King to Death, and final Destruction, and to change and alter Religion in this Kingdom of England, Rightly and by Law Established, to the Superstition of the Church of Rome, at London, &c. had Notice of that Consultation; and the same Consultation for the Destruction of the King, and for the alteration of Religion in this Kingdom rightly Established, to the Superstition of the Church of Rome; and the Treasonable Agreements had in that Consultation, on the said 30th day of September, in the 30th Year aforesaid, from our said Sovereign Lord the King, Advisedly, and Traiterously did conceal, and to that Consultation Traiterously he did consent. And the said William Ireland, John Grove, and Thomas Pickering, on the day and Year last aforesaid, at London, the Treasons aforesaid to perpetrate and perfect, Maliciously, Subtilly, and Traiterously, he did Abet, Counsel, maintain and comfort; and that be the said Richard Langhorn, afterwards (to wit) the said 30th day of September, in the 30th Year aforesaid, at London, &c. falsly, subtilly, and Traiterously, he did move and solicit the Benedictine Monks, (unknown) to expend and pay the Sum of Six Thousand Pounds, to procure a Person Traiterously to Kill and Murder our said Sovereign Lord the King. And whereas Edward Coleman, and other false Traitors of our said Sovereign Lord the King, unknown, on the 29th of September, in the 30th Year aforesaid, in the County of Middlesex, Traiterously had conspired and consulted to procure Rebellion and Sedition, within this Kingdom of England, against our said Sovereign Lord the King, and him from his Kingly State and Government of this his Kingdom of England, to deprive and disinheret, and to bring and put him to final Death and Destruction, and the Government of this Kingdom of England to alter, and the true Religion in this Kingdom of England by Law Established, to alter and change. And whereas he the said

said Edward Coleman had Traiterously written four Letters to Monsieur Le Cheefe, then Counsellor of the French Kings, to procure the aid, assistance, and adberance of the French King, to perfect and accomplish the Traiterous imaginations aforesaid, you the said Richard Langhorn afterwards, to wit the said 30th. day of September, in the 30th. year aforesaid at London, &c. well knowing the Treasonable matters in the same Letters contained, to the same Letters did consent, and then and there falsly, subtilly, advisedly, maliciously, and traiterously did abet, counsel, maintain, and comfort the said Edward Coleman, to perpetrate and accomplish the Treason aforesaid, against the duty of your Allegiance, against the Peace of our Sovereign Lord the King, his Crown and Dignity, and against the form of the Statute in this case made and provided.

Cl. of Cr. How say'st thou *Richard Langhorn*, art thou guilty of this High-Treason whereof thou standest Indicted, or not guilty?

Langhorn. Not Guilty.

Cl. of Cr. *Culprit*, how wilt thou be tried?

Langhorn. By God and my Countrey.

Cl. of Cr. God send thee a good deliverance.

Then the Petty Jury impannelled for this Trial, was called, the Prisoner put to his Challenges, but challenging none, the 12 Sworn were these.

JURY.

*Arthur Tong
Edward Beeker
Robert Twysford
William Yapp
John Kirkham
Peter Pickering*

*Thomas Barnes
Francis Neeve
John Hall
George Sitwell
James Wood, and
Richard Cawthorne.*

After which, Proclamation for information was made in usual manner.

Cl. of Cr. *Richard Langhorn*, hold up thy hand. (which he did) You of the Jury look upon the Prisoner, and hearken to his Cause: He stands Indicted in *London* by the name of *Richard Langhorn*, late of *London* Esq; for that as a false Traitor, &c. (put in the Indictment *Mutatis Mutandis*) and against the form of the Statute in that case made and provided. Upon this Indictment he hath been Arraigned, and thereunto hath pleaded Not guilty, your Charge is to enquire whether he be guilty of the High-Treason whereof he stands indicted, or not guilty; if you find him guilty, then you are to enquire what Goods, or Chattels, Lands, or Tenements he had at the time of the High-Treason committed, or at any time since; if you find him guilty, you shall enquire whether he fled for it, if you find that he fled for it, you are to enquire of his Goods and Chattels, as if you had found him guilty: If you find him not guilty, nor that he did fly for it, say no more, and hear your Evidence.

Mr. Belwood.

(5)

Then Roger Belwood Esq; of Counsel for the King in this Cause, open'd the Indictment thus:

Mr. *Belwood*. May it please your Lordship, and you Gentlemen of the Jury;

The Prisoner at the Bar, Mr. *Langhorn*, stands Indicted of High Treason, and it is for Conspiring the Murder of the King, and endeavouring an alteration in the Government in Church and State. And the Indictment sets forth, that the 30th of *August*, in the 30th Year of the King, he and other false Traitors did agree to stir up Sedition and Rebellion in the Kingdom, and to cause a great slaughter of his Majesties Subjects; To introduce the Superstition of the Church of *Rome*, and Depose and Murther the King, and to alter the Government in Church and State. And 'tis there said, that to accomplish these Evil Designs, he writ Two Letters to be sent to *Rome*, and *St. Omers*, the effect of which Letters was to procure the Assistance of the *Pope*, and the *French King*, to alter the Religion Established by Law in this Kingdom, to *Romish* Superstition; to Subvert the Government, and to put the King to Death; and that in further prosecution of these Traiterous Designs, he writ Two other Letters to be sent to *Rome* to one *Christopher Anderton*, Rector of the *English* Colledg, and a *Jesuit*, and Two others to be sent to *St. Omers*; and in these Letters he took upon him to Advise the way and means by which these Treasons might be effected, and that these several Letters were sent and delivered by him, and received. The Indictment further sets forth that in further prosecution of these Traiterous Imaginations of his, he did receive 5 several Commissions in Writing, by Authority derived from the *See of Rome*; and those were for the making of Military Officers, to Execute these Treasons by force of Arms, and that he did likewise receive 5 other Commissions for constituting Civil Officers in this Realm, after the Treason was committed. And that amongst the rest he did receive for himself one Commission to be Advocate General of the Army that was to be rais'd. And the Indictment further Charges upon the Prisoner, that to accomplish these Treasons, whereas *Ireland*, *Pickering*, and *Grove*, and other false Traitors, had consulted these Treasons, which I before mentioned, Mr. *Langhorn* had Notice of the Treasons, and did Consent to them and Abet them, and that he did solicit the *Benedictine* Monks to advance 6000 *l.* for the Murther of the King, for the Alteration of Religion, and for the Subversion of the Government in Church and State. And further, whereas Mr *Coleman*, (who was Executed for Treason) had (with others) conspired the Death of the King, and the introducing of Popery, and has writ a Letter to the *French* Confessor *Lee Cheese*, for Aid and Assistance, that the Prisoner at the Bar had Notice of this, and that he did consent to it, and did Abet it. This, Gentlemen, is Charged to be Traiterously, and Devilishly done against the Prisoners Allegiance, and the form of the Statute. To this he hath pleaded Not Guilty, but if we prove these Treasons, or any of them, you are to find him Guilty.

Then Sir Creswel Levins, one of his Majesties Learned Council in the Law, opened the Charge thus: prout—

Sir Cr. Levins. May it please your Lordship, and you Gentlemen of the Jury;

Mr. Langhorn is Indicted for Treason, for having a part in that general Treason that you have heard several times before of, and some Persons there were Indicted, Tried, and Convicted yesterday, for that Treason that *Mr. Langhorn* had an hand in: for the Indictment does set forth, that there were Letters written by him to *Rome* to the same purpose, of which Gentlemen you have heard so often, and will hear again.

This Treason was no less than to murder the King, to alter the Religion, to overturn the Law, to raise an Army, by force to effect all this, and in short to do all the mischief that men (if it be lawful to call such Creatures men) could do. That there was in order to this, Consultations held the 24th. of *April* among the Jesuits; and there it was resolved that the King should be killed, there were Persons appointed to do it, that was *Pickering*, and *Grove*, but they failed therein, and they prosecuted it at *Windsor*, but happening to fail there also, they followed him to *New-Market*, and Ordered that it should be done there: And when all this failed, they took another course, his Majesty was to be Poisoned, and as I said before, to make all this good, an Army was to be raised of 50000 men in *England*, to perfect this Work; but if that would not do, they were to have Forces from beyond Sea to joyn with them: And *Mr. Langhorn* he writ Letters to procure these Forces, and he not only did so, but he found the effect of his Letters, and received Commissions from beyond Sea, whereof one was for himself, to be Advocate General of the Army. All these things are laid to *Mr. Langhorn's* Charge.

But Ile begin first, and shew you before I come to the particular Evidence against *Mr. Langhorn*, some Evidence of the general Design, and therefore we will call some Witnesses to do that in the first place, and then bring it down to *Mr. Langhorn* himself.

Call *Mr. Dugdale*, and *Mr. Prance*, (who were both Sworn, and *Mr. Dugdale* first stood up.)

Sir Cr. Levins. Come Sir, what do you know of any Design to murder the King? speak what you know concerning the Plot and Conspiracy.

Mr. Dugdale. I was in several Consultations for alteration of this present Government, and for the introducing of Popery, and for the Murder of the King. I was a Person in most of the Consultations to the same purpose, and heard the very words used, and was hired to be instrumental in it, and was to have a Sum of Money to be one of them that should do it. I was to be an actor in it, and was to have a place appointed to do it.

Mr. Just. Atkins. What were you hired to do?

Mr. Dugdale. I was to kill the King.

Sir Cr. Levins. And who were the Persons that put you upon it?

Mr. Dugdale. There was *Mr. Ewers*, *Mr. Gavan*, *Mr. Luson*, and *Mr. Vavasor*.

(7)

Sir Cr. Levins. What were these men?

Mr. Dugdale. They are all Jesuits.

Sir Cr. Levins. Do you know any thing of an Army that was to be raised to effect it.

Mr. Dugdale. They always did speak of an Army that was to be raised, but it was not actually to be done, till the King was killed; that was the last Conclusion: it was indeed at first concluded on to raise an Army, but the last Consultation was, that there should no Arms appear, till the King was killed.

Sir Cr. Levins. You do not know any thing of Mr. Langhorn in particular? do you?

Mr. Dugdale. No, I do not know any thing in particular of him, I have heard of him.

Lord Ch. Just. North. Why, you brought him only to prove the general Design.

Mr. Dugdale. There was a Massacre to be, and then there should be an Army, a pretty good considerable Army, there was no certain number that I could hear of, but those that did escape the Massacre, should be cut off by the Army.

Lord Ch. Just. North. Where were these Consultations?

Mr. Dugdale. One was at *Tixal*, another was at *Boscobel*, at my Lord *Aston's*, and Mr. *Gerrards*.

Lord Ch. Just. Where were these Places?

Mr. Dugdale. In *Staffordshire*.

Mr. Just. Atkins. Pray who were to be Massacred in the first place?

Mr. Dugdale. All Protestants, and those we could not be sure of to be Papists.

Mr. Belwood. Pray Sir, what do you know of any Letter to be writ to Mr. Ewers, concerning Sir Edmond-bury Godfreys death?

Mr. Dugdale. I do remember a Letter that came to Mr. Ewers from Mr. Harcourt, which did express, and begin thus, (*This very night, Sir Edmond-bury Godfrey is dispatched*) with some other words of like import; and then I sent to Mr. Ewers about it: And do you think this will carry on the Design? I will be hang'd if it don't spoil it: No said he, he was a Person that used to be very severe against debauch'd lewd Persons, and so it will be laid, as if they had done it out of Revenge.

Lord Ch. Just. North. What day of the week was that Letter dated?

Mr. Dugdale. It was, as I can very well make it out, on *Saturday*.

Lord Ch. Just. North. And when was it received?

Mr. Dugdale. It was received on *Monday* night.

Lord Ch. Just. North. What were the Contents of it, do you say?

Mr. Dugdale. It began thus, (*This very night, Sir Edmond-bury Godfrey is dispatched.*)

Lord Ch. Just. North. Who did it come from?

Mr. Dugdale. It came from Mr. Harcourt.

Sir Cr. Levins. They themselves know that he was not found here in London, till *Thursday*.

Mr. Dugdale. I could not hold, it run so much in my mind, but the next morning going to an Ale-house hard by, I there spoke of it, and immediately it was carryed to Mr. Chetwin, and he was here yesterday to make it out, that I so did.

Lord

Lord Ch. Just. North. But why did they kill him? was it expressed why?

Mr. Dugdale. I had several times heard, he was too much privy to their Consultations.

Lord Ch. Just. North. That is, you mean, he had had too much discovered to him.

Mr. Dugdale. And so they were afraid of Mr. Coleman too; that he carried things too high, and he was out of their favour for 2 years.

Sir Cr. Levins. Then call Mr. Prance. Pray Sir, what can you say?

Mr. Prance. There was one Mr. Messenger, a Gentleman of the Horse to my Lord Arundel of Warder, who was employed by my Lord Arundel of Warder, and my Lord Powis, and he was to kill the King, and to have a very good reward for the doing of it; and I was told so by my Lord Butler: I afterwards met with this Messenger, and asked him what his reason was that he would kill the King. He told me he was off of it now.

Sir Cr. Levins. But what was to be done after they should kill the King?

Mr. Prance. Presently there should be an Army of 50000 men raised, to be governed by my Lord Arundel, and my Lord Powis, and them: I have heard Mr. Fenwick, and Mr. Ireland, and Grove, to speak of this at the same time together.

Sir Cr. Levins. What was that Army to be raised for?

Mr. Prance. To settle the Catholick Religion.

Lord Ch. Just. What was to become of other Persons?

Mr. Prance. They were to be killed and ruined all: So Fenwick told me.

Lord Ch. Just. North. Look you Mr. Langhorn, these Witnesses speak nothing to you in particular, but only that there was a Conspiracy in general, to kill the King, and introduce Popery: If you will ask them any Question you may.

Langhorn. No my Lord, they not accusing me, I have nothing to say to them.

Mr. Prance. I heard one Mr. Harcourt say, that the King was to be killed by several, before one Mr. Thompson, twice in his own Chamber in Duke-street. And I heard Fenwick say, that Mr. Langhorn was to have a great hand in it.

Langhorn. Is that all you have to say, as to me?

Mr. Prance. It is all that I know of.

Then the Lord Chief Justice Scroggs came in.

Sir Cr. Levins. Now my Lord, we will call the Evidence, that shall prove the particular matters of the Indictment, as of writing the Letters beyond Sea, of his receiving Commissions, of his distributing them here to the several persons to whom they were directed; of his Soliciting for the money, the 6000 l. to be raised by the Benedictine Monks, which was either for a particular purpose to poison the King, or to carry on the Design in general. And first we call Dr. Oates (who was Sworn, and stood up)

Sir Cr. Levins. Sir, you hear what the matter is as to Mr. Langhorn, be pleased to tell the Court whether you knew he writ any Letters, and received any Commissions; speak your whole knowledge.

Dr. Oates.

(9)

Dr. Oates. I hope your Lordship will be pleased to give me leave to use my own Method.

Lord Ch. Just. Ay Ay, take your own way Mr. Oates.

Dr. Oates. Then I begin thus. In the month of *April* 1677, I went into the Kingdom of *Spain*: in the month of *September* following, the sons of *Mr. Langhorn* came into the Kingdom of *Spain*; it was *September* or sooner, but I will not be positive as to the time of their coming, the one was a Scholar of the English Colledge at *Madrid*, the other was a Scholar of the English Colledge at *Valledolid*. They came there to study Philosophy in order to their receiving of the Priesthood. my Lord, my occasions called me into *England* in the month of *November* following, and coming into *England*, *Mr. Langhorn's* sons did give me some Letters to *Mr. Langhorn* their Father; and as soon as I had rested my self for a day or two after my Journey, I came to *Mr. Langhorn's* house in *Sheer-Lane*. Now *Mr. Langhorn's* Wife being a Zealous Protestant, I did whisper his Footboy or his servant boy in the Ear, that he should go and whisper his Master, *Mr. Langhorn*, and tell him, there was one would speak with him from his sons. *Mr. Langhorn*, by his son, did desire me to meet him at his Chamber in the *Temple*, (in the *Inner-Temple-Lane* it was I think) I know the Chamber however, and accordingly I did meet *Mr. Langhorn* that night by the means of his half Brother, who is brother I think by the mother and not by the Father, his name is *Smithson*; and when I came into *Mr. Langhorn's* Chamber, their Chambers being directly opposite one to another, I was treated by *Mr. Langhorn* with a great deal of Civility, and I delivered *Mr. Langhorn* the Letters from his sons, and I told him that I thought his sons would enter into the Society: *Mr. Langhorn* was mightily pleased with the News, being himself a great Votary for the Society, that his sons would enter into it. Now may it please your Lordship, *Mr. Langhorn* did say, he thought if they did continue in the world, that is secular Priests, they would suddenly have very great promotion in *England*, for he said, Things would not last long in this posture, that is at that time he then spoke, I speak the words now that he said then. And now my Lord, I was with *Mr. Langhorn* another time while I was in *England*, but in the latter end of *November* old Stile, in the beginning of *December* new Stile, I went to *St. Omers*, and there were Letters that he delivered me (looking upon the Prisoner) a Pacquet to carry to *St. Omers*. And when the Pacquet was opened, there was a letter Signed *Richard Langhorn*, in which he gave the Fathers at *St. Omers* great thanks for the great care had of, and kindness they shew'd to his sons, and that what they had been out of Pocket for their *Viaticum*, in Order to their journey into *Spain*, which was 20 l. he promised them they should be repaid it, and in this Letter he did expressly say, that he had written to Father *Le Cheefe* in order to our concerns, those were his words. Now my Lord the Letter that he writ to Father *Le Cheefe* I saw not, but only this Letter I saw, which gave an account of that Letter he had writ to Father *Le Cheefe* and he said *Mr. Coleman* had been very large with him, and therefore it would not be necessary for him to trouble his Reverence with any large Epistles at that time. My Lord, there was another Letter, and I think that was in the month of *March*, or *April* I cannot be positive as to the particular time, but it was upon this remarkable Circumstance. *Mr. Langhorn* had a son that had been in Rebellion, and had turned

D

Souldier,

Souldier, or some such thing in *France*, and this young Gentleman came to *St. Omers*, being the place where he had been educated; and Mr. *Langhorn* by the intercession of the Fathers there, did order him Five pounds to bring him over into *England*, upon promise of his sons submission, who had been very extravagant in several respects. In this Letter my Lord, Mr. *Langhorn* did express his great care for the carrying on of the Design of the Catholicks, and several other expressions there were in it bad enough, which I cannot now call to mind, but they were to this effect; The Parliament began to Flag in promoting the Protestant Religion, and now they had a fair opportunity to begin and give the Blow; what that Blow was, I leave to the Court and to the Jury to expound.

Lord Ch. Just. But was that an expression in the Letter?

Dr. Oates. It was, my Lord: But it was a very large Letter, I can't give a particular account of every thing in it. My Lord, in the month of *April*, or the beginning of *May*, your Lordship remembers there was a Consult that hath been sworn here in this Court, to which Consult —

Lord Ch. Just. Pray speak it out.

Dr. Oates. There were several of us came over from *St. Omers*, and from other parts beyond the Seas to this Consult, at which Consult Mr. *Langhorn* was not present; but I had orders from the Provincial to give Mr. *Langhorn* an account of what Resolutions and passages and minutes pass'd at this Consult; and this I did as well as I could, and when I did so, Mr. *Langhorn* lift up his hands and his eyes, and pray'd to God to give it good success. My Lord, while I was at Mr. *Langhorns* Chamber giving this account, I saw several Parchments lying upon the Table in his Study.

Lord Ch. Just. You had best tell the effect of the account you gave Mr. *Langhorn* in his Chamber, that you speak of.

Dr. Oates. My Lord, I told him who went Procurator to *Rome*, that was one *Father Cary*, I told him what was the Resolve of the Consult concerning the death of the King.

Lord Ch. Just. Did you so?

Dr. Oates. Yes my Lord, I did: I told Mr. *Langhorn* that several of the Fathers were to be admonished for their irregular living, as they termed it: and to this Mr. *Langhorn* did reply as near as I can remember, that he found some of them did not live up to the rules of the Society.

Lord Ch. Just. Pray tell us more particularly what you told him. And tell us as near as you can, as you told it him then, the business of the Plot upon the King.

Dr. Oates. I told him the Resolve of the Society, and of that Consult, and what was that which was resolved, that *Pickering* and *Grove* should go on to attempt to assassinate the Kings person, and what was to be their Reward, th'one was to have, that is *Grove*, 1500 £. and the other, that is *Pickering*, was to have 30000. Masses: he lift up his hands and eyes when I told him this (and I told him more particularly than I can now remember) and he lift up his hands and Eyes, and prayed God that it might have good success.

(11)

Lord Ch. Just. Did you tell him they had Signed to this agreement?

Dr. Oates. Yes, my Lord, I told him that they had all Signed it.

Langhorn. When was this?

Dr. Oates. It was the latter end of *April*, or beginning of *May*.

Langhorn. How long after they had Signed the Consult?

Dr. Oates. A day or two after.

Langhorn. *Dr. Oates*, Do you know the day of the month? you have asserted the day of the month formerly, pray do it now.

Mr. Just. Pemberton. Let him go on, you shall ask him what Questions you will by and by.

Dr. Oates. My Lord, I saw there a Commission for my Lord *Arundel* of *Warder*, and another to my Lord *Powis*; the one was to be Lord High Chancellor, and the other to be Lord High Treasurer; there was a Commission for my Lord *Bellasis*, to be General, another for my Lord *Peter*, to be Lieutenant-General, and there were other Commissions, of which I cannot remember the particular names, but there was a Commission for *Coleman* to be Secretary of State, and there was a Commission for the Prisoner at the Bar, to be Advocate of the Army.

Lord Ch. Just. By what Authority were those Commissions?

Dr. Oates. They were by Authority derived from the *See of Rome*, by virtue of a Breve from the Pope, directed to the General of the Society, and they were Signed *IHS*, and with the mark of the Cross through the *IHS* and they were Signed *Johannes Paulus de Oliva*.

Lord Ch. Just. North. That is the Jesuits mark?

Dr. Oates. Yes, my Lord.

Lord Ch. Just. North. Where did you see those Commissions?

Dr. Oates. In Mr. *Langhorn's* Study of his Chamber in the *Temple*.

Lord Ch. Just. Where? Did they lie open that any one might see them?

Dr. Oates. They lay upon a corner of his Desk, folded up.

Lord Ch. Just. How came you to see them?

Dr. Oates. My Lord, if your Lordship please, I will tell your Lordship how I came to see them. We had notice they were come, by a Letter from one Father *Anderton*, and he called these Commissions, Patents, and if it please your Lordship, I did ask Mr. *Langhorn*, whether he had received them: he told me, yes: then I asked him whether he would do me the favour to let me see them: and because I had been privy to the Consults, and came to wait upon him by Order of the Provincial, he did let me see them.

Lord Ch. Just. And you saw them in his Study upon his Desk?

Dr. Oates. Yes, my Lord, I did. And particularly one more I can tell of, which his Son was to deliver to a Son of my Lord *Arundel* of *Warder*.

Lord Ch. Just. How many Commissions were there?

Dr. Oates. I cannot say, about 7 or 8 I think, I did see, and looked over.

Mr. Just. Atkins. And you knew what they were?

Dr. Oates. Yes, for those that I saw, that I can remember?

Lord

Lord Ch. Just. What was my Lord *Powis* to be?

Dr. Oates. Lord High-Treasurer.

Lord Ch. Just. And what my Lord *Arundel*?

Dr. Oates. Lord High-Chancellor of *England*.

Lord Ch. Just. And what my Lord *Stafford*?

Dr. Oates. As to my Lord *Stafford*, I cannot give so good an account; but as I remember, he was to be a Pay-Master in the Army, or some such Office relating to the Army.

Lord Ch. Just. North. What was the Prisoner at the Bar to be?

Dr. Oates. A Judge in the Army, or an Advocate General, so they called him.

Lord Ch. Just. You saw most of these?

Dr. Oates. I saw several of them, most of them in his custody, I cannot say all: There was more than for these Lords, for other inferior Officers.

Lord Ch. Just. How many might there be of them, as near as you can guess?

Dr. Oates. I think he told me they were about 50.

Lord Ch. Just. What number did you see?

Dr. Oates. I saw about half a dozen, or 8.

Lord Ch. Just. Well Sir, go on.

Dr. Oates. My Lord, I am now to speak to your Lordship concerning some Letters that he wrote to *Rome*, and there was——

Lord Ch. Just. Had you any discourse with him concerning the matters of any of the Commissions of my Lord *Bellasis*, and my Lord *Powis*?

Dr. Oates. No my Lord, I had but little skill in Military Affairs, and therefore I said but little, and I cannot give you an account word for word, what the discourse was, for it was out of my way. My Lord, there were several Letters which Mr. *Langhorn* writ to Father *Le Cheese*, the Answers to which I saw in *April* and *May*; whereupon the Fathers did desire they might have the Originals of those Copies: He gave me the Originals to carry to the Fathers, I think it was that very day I had been with him in the afternoon; for I was with him in the morning the Fathers did read the Letters.

Lord Ch. Just. From whom came they?

Dr. Oates. From Father *Le Cheese*, and from Father *Anderton*. And *Le Cheese* in his Letter did assure him of his steadfastness and constancy, to assist the Society for the carrying on the Cause: And that they should not need doubt, but the *French King* would stand by them, or to that purpose. I cannot remember exactly the words, but it was to that effect.

Lord Ch. Just. But they were directed to Mr. *Langhorn*?

Dr. Oates. I cannot Swear that directly, but he gave them me.

Lord Ch. Just. Who were *Le Cheese*, and *Anderton*?

Dr. Oates. The one was Confessor to the *French King*, and the other Rector of the Colledge at *Rome*.

Mr. Just. Atkins. But you saw those in the Prisoners custody you say?

Dr. Oates. Yes my Lord, I did.

Lord Ch. Just. He gave them you to deliver to the Fathers, to *Whitebread* and the rest of them?

Dr. Oates.

(13)

Dr. Oates. Yes, my Lord, but I cannot say who they were directed to.

Lord Ch. Just. But pray repeat what was the Substance of that Letter.

Dr. Oates. My Lord, as to the words of them, I dare not charge my memory, but it was to this purpose, That *Le Cheefe* would stand by the *English* Society, and assist them, and that they should not need to doubt the *French* King, or to that effect.

Mr. Belwood. Do you remember any Letters that were writ by Mr. Coleman to *Le Cheefe*?

Dr. Oates. Yes, my Lord, I remember several Letters that Coleman writ, but Mr. Langhorn was not affected in them.

Mr. Belwood. Did he know of them?

Dr. Oates. He gave an accompt in his Letter to the Society, that Coleman had writ Letters to *Le Cheefe*, and was very large, and therefore he should not trouble his Reverence with any long Epistles.

Sir Cr. Levins. What do you know of any money that was to be raised by the Benedictine Monks.

Dr. Oates. I had forgot that.

Lord Ch. Just. You say that he said they should not need to doubt the *French*, but he would stand by them with Men and Money, for what purpose pray?

Dr. Oates. He tell you for what purpose it was, the words of the Letter did alledge it to be for carrying on of the Cause.

Mr. Just. Pemberton. You mean the Catholick Cause?

Dr. Oates. So it was generally understood.

Lord Ch. Just. But for the other money, what say you?

Dr. Oates. Mr. Langhorn was employed as Solicitor for the Jesuits, and did accompany some of the Society, Father Harcourt, Father Fenwick, Father Kaines, and Father Langworth, and they went and did communicate the Secret to the Benedictine Monks, desiring them to stand by them with a Sum of Money for the carrying on the Design: now upon Mr. Langhorn's Soliciting them, and appearing for them, as I have heard, 6000 l. was promised and paid.

Lord Ch. Just. By whom promised and paid?

Dr. Oates. By the Benedictine Monks.

Lord Ch. Just. To whom?

Dr. Oates. To the Society.

Lord Ch. Just. To what Person?

Dr. Oates. That I cannot say, but it was said Mr. Langhorn was to receive it.

Lord Ch. Just. Did you see the Money paid?

Dr. Oates. No, I did not.

Lord Ch. Just. Did you hear Mr. Langhorn confess it was paid?

Dr. Oates. Mr. Langhorn did say in the Month of July or August, I cannot be positive which, but thereabouts, when he was spoke to about it, that he would stir in it, and do to the utmost of his power for the procuring of it. And another thing, I am sure Mr. Langhorn was very much disgusted, that Sir George Wakeman was not contented with the 10000 l.

Sir Cr. Levins. What was the 6000 l. for?

Dr. Oates. It was for the general Cause.

Sir *Cr. Levins.* For the Murther of the King?

Dr. *Oates.* Yes, and for the alteration of Religion.

Lord *Ch. Just. North.* How did it appear that Mr. *Langhorn* was disgusted, that Sir *George Wakeman* would not take the 10000l? and what was it for?

Dr. *Oates.* It was to Poison the King; and he said he was a covetous man, that it was in a publick Concern, and that being it was to carry on the Cause, it was no matter if he did it for nothing; but he said he was a narrow Spirited, and a narrow Sould Physician.

Lord *Ch. Just.* When was it that he said he would stir for the Money?

Dr. *Oates.* It was in *July*, or in *August*.

Langhorn. My Lord, may I ask him any Questions?

Mr. *Just. Pemberton.* Yes, yes, Mr. *Langhorn*, you may.

Lord *Ch. Just. North.* Pray Mr. *Oates*, you saw such and such Commissions from the Superior of the Jesuits, that were Signed *Johannes Paulus de Oliva*, pray will you look upon this, and see whether you know it, (and a Writing under the Jesuits Seal was shew'd him.)

Dr. *Oates.* This is the hand, the very hand, that was to the others, and they had put such a Seal; and that is for Mr. *Stapleton*, to be Rector of *St. Omers*.

Sir *Cr. Levins.* Now my Lord, if you please, this was not one of those Commissions that Mr. *Langhorn* did distribute to the Persons that were to have them, no, he would let us have none of those, but it is a Commission of another nature, tis neither for an Office Civil nor Military, but Ecclesiastical, yet it is under the same Hand and Seal.

Langhorn. You say you came to me the first time in *November*? and you went to *St. Omers*, when Sir?

Dr. *Oates.* The latter end of *November*.

Langhorn. When arrived you at *St. Omers*?

Dr. *Oates.* I think it was the 10th of *December* new Stile, I will not be positive.

Lord *Ch. Just.* All their defence lies in Catches upon a point of time, in which no man living is able to be positive.

Dr. *Oates.* My Lord, if the 26th. of *November* fell upon a *Monday*, then it was on the 26th. day that I set out for *Dover* in the Coach, as near as I can remember, and I got to *St. Omers* a *Friday* morning following.

Langhorn. A *Friday* after, you say you got to *St. Omers*?

Dr. *Oates.* About that time.

Langhorn. How long did you stay there?

Dr. *Oates.* Till *April* following I stay'd.

Langhorn. Without any moving from thence?

Dr. *Oates.* Onely went to *Paris*, and after that a night or two at *Watton*, and then came away in *April*. My Lord, I desire, if your Lordship please, that Mr. *Langhorn* may ask the Court, and the Court ask me; for I know the Court will be so kind, as to ask me such Questions as are reasonable, and proper for me to answer.

Mr. *Just. Atkins.* That indeed is the regular way, for Prisoners should not ask the Question, but the Court.

Langhorn. Very well, I shall observe the Method, if your Lordship please. I desire to know what time in *April* he came back for *England*.

Dr. *Oates.*

(15)

Dr. Oates. I came about the middle of *April*, or latter end, I will not be so positive in that, and I was in *England* under 20 days.

Langhorn. Can you tell what day you came into *England*?

Dr. Oates. No, I cannot exactly, but I came in *April* the middle or the latter end.

Langhorn. I desire to know who came with him?

Dr. Oates. My Lord, there came a matter of 9 or 10 of us in all.

Lord Ch. Just. Name them.

Dr. Oates. There was Father *Williams*, and Father *March*, the Rector of *Liege*, and Sir *John Warner*.

Langhorn. What is the Rector of *Liege's* name?

Dr. Oates. *Warren* I think, I cannot tell names so exactly.

Langhorn. Go on Sir, pray.

Dr. Oates. I cannot name any more.

Langhorn. You have named them all in the Records of the Lords House.

Dr. Oates. 'Tis like I have, I refer you to that.

Langhorn. Did Sir *Thomas Preston* come over with you?

Dr. Oates. Yes, he did.

Langhorn. Did *Pool* come over with you?

Dr. Oates. Yes.

Lord Ch. Just. Look you Mr. *Langhorn*, we had all this matter spoken of yesterday, and there were Witnesses that prove that Sir *Jeremy Warner*, and Sir *Thomas Preston*, were there.

Langhorn. I humbly conceive, that was upon an Issue tried in another County, by another Jury, and therefore I hope I do not amiss in urging what I can say for my self to this Jury.

Lord Ch. Just. You are not debarred, I only told you of it. Was Sir *Robert Bret* there?

Dr. Oates. Yes, I think he was, I am not confident of that. My Lord, I own what Mr. *Langhorn* can bring to the Court upon Record.

Langhorn. I only ask it, because he says so in the House of Lords.

Dr. Oates. If you can shew the Record of what I said there, do.

Langhorn. I do not desire him to name them now, but to know whether he does now affirm the truth of what he Swore in the House of Lords?

Lord Ch. Just. If you can produce, as you may, if you have been diligent, a Copy of the Record in the House of Lords, and have it Sworn to be a true Copy of the Records, it will be Evidence for you, and shall be read; but to put him to remember a Record without Book, must not be, it would be hard for him to undertake that.

Langhorn. I desire to know how he came from *Dover*; whether in a Coach, or on Horseback, to *London*?

Dr. Oates. Indeed the Question is so sudden, that I cannot be positive, but as near as I remember, I came by Coach.

Langhorn. I will give you my reason why I ask this; because he hath formerly upon a Trial in the *Kings-Bench*, affirmed he came by Coach, in the company of Mr. *Hilsley*.

Dr. Oates.

Dr. Oates. No, I did never say so; but I came over in the Pacquet Boat, in the company of Mr. *Hilsley*, but when we were come over, Mr. *Hilsley* went out of the way from us.

Langhorn. I desire to know where he lodged, when he came to Town?

Lord Ch. Just. Where did you lodge the first night?

Dr. Oates. I did lie at Mr. *Grove's* house, when I came to London in April.

Lord Ch. Just. But the first night when you came from *Dover*, when you came into London in April?

Dr. Oates. My Lord, I cannot say, I lay there the first night; but my lodging was provided for me there.

Lord Ch. Just. You are to Answer as well as you can, if you cannot remember it, say so. Do you say the first absolutely, or not?

Dr. Oates. My Lord, I cannot remember the first night, but I lay several nights at Mr. *Grove's*.

Langhorn. Then I ask, whether he did generally lie there, during his stay?

Dr. Oates. I did lie there some nights.

Lord Ch. Just. How many times did you lie there?

Dr. Oates. I believe three or four nights, I won't be positive as to the Number.

Langhorn. What day was the Consult?

Dr. Oates. It was the 24th. of April.

Langhorn. What day did you acquaint me with it?

Dr. Oates. A day or 2 after.

Langhorn. When did he return back to *St. Omers*?

Lord Ch. Just. When did you go back? about what time?

Dr. Oates. My Lord, I think it was a week in May, I cannot be positive, but I think that was the outside.

Lord Ch. Just. They said, yesterday you affirmed you stay'd but 6 days.

Dr. Oates. I do not say so, but I say under 20.

Mr. Just. Dolben. Come, have you any thing else to ask him?

Langhorn. Those Letters that he speaks of, I desire to know whether he saw me write them?

Lord Ch. Just. Those Letters you speak of, did you see him write them?

Dr. Oates. I did not see him write them, but I am sure they were his Letters, because I know his hand.

Lord Ch. Just. How did you come to know his hand, since you did not see him write them?

Dr. Oates. I saw the Letter whereby he ordered money to be paid, 5^l. to his Son: And I saw the money paid to his Son, by that Order.

Langhorn. Do you know that *Le Cheefe*, and *Anderton*, writ to me?

Dr. Oates. I do not say that they writ to him, but he had Letters Subscribed by their Names, and they were said by him to come from them, and they were to be communicated to the Priests and Jesuits; and he delivered them to me to that end.

Langhorn. When you returned to *St. Omers*, how long did you stay there?

Dr. Oates. Till 23^d. June new Stile, which is the 13th. old Stile.

Langhorn.

Langhorn. I remember he professed himself a *Roman Catholick*, I see he is a Minister : I desire to know of him when he left the Protestant Religion, and became a Convert, as he called himself; call it what you will; when he left being a Protestant, and became a Papist, that is it I mean?

Dr. Oates. He does it for nothing but to quarrel.

Lord Ch. Just. When did you leave the Church of *England*?

Dr. Oates. My Lord, if it be the pleasure of the Bench to ask me that Question—

Lord Ch. Just. You ought to answer it, though it be nothing to the purpose.

Dr. Oates. Then I answer, it was either in *February* or *March* 167⁶

Langhorn. My Lord, I desire to know whether he had any Benefice?

Dr. Oates. Yes, I was sometime Vicar of *Bobbing*—in *Kent*. But I suppose this is to make me accuse my self of something, whereby I might forfeit my Living: for my Lord, I have a right in a point of Equity still to that Living, but only for going beyond Sea without leave of my Ordinary, I am not now Vicar of—

Langhorn. When did you come to your Vicaridge?

Dr. Oates. In 1672.

Langhorn. You became a Papist in 1677. I ask this Question, whether he did leave his Living before he turned Papist?

Dr. Oates. My Lord, I am not willing to answer that Question.

Lord Ch. Just. When did you leave your Living? did you leave it before you went away?

Dr. Oates. It was not very long before, but the reason why I am not willing to tell; When I left the Parish, I left it in the charge of Mr. *Thomas Turner*, Vicar of *Milton*, and I did go near about *Chichester*, and served a Sequestration there. The Air was not a good Air in that part of *Kent*, and I had not my health, and that was one reason, and for other reasons best known to my self.

Langhorn. After he became a Papist, I desire to know, whether he became a Jesuit? Were you in any Order there?

Lord Ch. Just. Mr. *Langhorn*, it is not a proper Question, we ought not to ask it him: You are a man of the Law, and therefore you know it is not fair to ask any Person a Question about a Criminal matter that may bring himself in danger.

Langhorn. I take him to be out of danger, he hath his Pardon.

Lord Ch. Just. I don't know what his Pardon is, nor how far it reaches, nor whether this be contained in it; but if Mr. *Oates* pleases to answer that Question, he may.

Mr. Just. Dolben. Though he hath his Pardon, he may be in danger of the Ecclesiastical Censure.

Lord Ch. Just. He says he will not.

Langhorn. He give you another reason why I ask it, because in one of his Narratives he seems to call himself so; he says, *There came over 9 of us, all Jesuits*, I suppose him to be one of that Order; this I took to be a ground, why I might properly call him so.

Lord Ch. Just. Narratives are no Evidence at all.

Langhorn. But that gave me an occasion to ask the Question.

Dr. Oates. I cannot answer it, because it tends rather to raise a debate in the Court, than conduces to the Question, to acquit or condemn the Prisoner.